POLICE · BUDGET · EDITION

EDITED · BY HAROLD FURNISS

FAMOUS CRIMES

PAST AND PRESENT

ONE · PENNY

"THERE, MY DEAR PERCY, TAKE THIS PILL," SAID LAMSON.

Vol. IV.—No. 49.

THE WIMBLEDON MYSTERY.

"Every death its own avenger breeds;
The fury-passions from that blood began,
And turned on Man a fiercer savage, Man."
—POPE, "Essay on Man."

PART I.

THE poisoner plays a large part in the history of crime. He is the intellectual assassin, the man who draws his murderous coil around his victim with cool, calm deliberation. With him murder is a science. Throughout the annals of crime the poisoner invariably crops up as the prince of murderers, and in no case has he been more prominent than in that which has come to be known as the "Wimbledon Mystery."

On December 3, 1881, a gentleman of the name of George Henry Lamson called at Blenheim House School, St. George's Road, Wimbledon. He looked to be a man of about thirty-five, was fairly tall, with dark hair, moustache, and short side-whiskers. A doctor of considerable reputation, he carried with him a somewhat languid and aristocratic air. He was calling on his brother-in-law, Percy Malcom John, a youth of nineteen, unhappily born into the world a cripple, whose legs were completely withered. Dr. Lamson was shown into the school visiting-room. He put down his hat and the small black bag which he was carrying, and awaited his brother-in-law.

Mr. Bedrook, the principal of the school, being apprised of the visitor, came in to see him. Dr. Lamson and he were no strangers, for it had been the doctor's habit to call once or twice a year upon his deformed and crippled young relative, his visits generally lasting about an hour and a-half.

Dr. Lamson arose.

"I have not long to stay, Mr. Bedrook," said he, "as I have to catch the twenty past seven train for Waterloo. I am going to Paris. How is Percy?"

"As well as he will ever be. He eats well, and is in as good health as can be expected."

At this moment Percy Malcom John was carried into the room. Although his legs were completely withered and his spine deformed and curved, the other organs of the body seemed healthy, and he struck Dr. Lamson as looking stronger than usual.

"Why, Percy, how fat you look!" cried he, greeting the boy cordially.

A smile flickered on the poor cripple's face.

"I wish I could say the same for you," said he.

Indeed, Dr. Lamson was not looking at his best. Although as jolly and good-natured as usual, he seemed to the close observer to bear traces of harass and care.

Mr. Bedrook, thinking the two relatives might wish to be alone, was withdrawing, as had always been his custom on former occasions; but this time Dr. Lamson stopped him.

"Don't go, I pray you," said he. "I can't stop long, Mr. Bedrook; do stay!"

Thus pressed, Mr. Bedrook came back and resumed his seat. The conversation was lively, and flowed in general channels. Presently Dr. Lamson opened the black bag which lay at his side. He produced from this a paper parcel, which he undid, and showed Percy a cake, which had been already cut. He dived into the bag again, and brought out a box of choice sweetmeats. He then invited Mr. Bedrook to have some of the cake, and he accepted. They all three sat down to eat it, and Dr. Lamson passed the sweetmeats around.

"Take this to Blenheim House."

"Will you have some sherry, doctor?" said Mr. Bedrook, not to be behind in hospitality. "Percy will have some, too."

Dr. Lamson assented; and the sherry was brought.

"There's a lot of brandy in sherry, Mr. Bedrook,"

said the doctor, holding up his glass critically. "May I ask you for some sugar? Sugar always counteracts alcohol."

The schoolmaster rang the bell, and the servant brought some ground sugar. The doctor stirred some up in his glass, and he and his crippled brother talked awhile affectionately; for, indeed, they had not met now for a considerable time.

"Ah, Mr. Bedrook, I've not forgotten you," suddenly turning to the schoolmaster. "When I was in America I came across something which will help you to give your boys the most nauseous medicines."

"That will be welcome indeed!"

Dr. Lamson once more dived into his bag. He brought out a small parcel.

"What do you think I have here?"

"I can't say."

Dr. Lamson was on his legs, gathering up his hat and bag.

"Now I must be off," said he. "I've stayed too long already."

He went over and rested his hands on Percy's shoulders. "Good-bye, my dear, dear Percy. Keep well, my boy, keep well."

He lingered affectionately for a moment, saying good-bye to the young cripple, and then went out. Mr. Bedrook accompanied him into the hall.

"The curvature in the poor fellow's spine is worse," said the doctor, with an ominous shake of the head. "He will not be long for this world."

"He is stronger, I think," ventured Mr. Bedrook.

"Yes, I grant that; but his spine! Why, the least accident would kill him!"

The two men shook hands and parted. Outside, Dr.

"THERE HAS BEEN NO ACCIDENT; THERE HAS BEEN MURDER!"

The schoolmaster and the crippled youth bent over and observed the packet with interest.

The doctor opened it, showing a box full of capsules, then practically unknown in this country. He took one and showed with nimble fingers how it was divided into two parts.

"You place the medicine inside here, Mr. Bedrook," said he, "then close it up. Put it on the tongue, and it is gone before you know where you are, without the slightest taste."

He gave an empty one to Mr. Bedrook, who in an instant swallowed it.

"It positively melts away," said he.

Dr. Lamson then took the spoon from the bowl of ground sugar, and with it filled another of the capsules, and, closing it up, handed it to his brother-in-law.

"Here, my dear Percy," cried he, "you are a swell pill-taker. Take this."

Again a smile flickered on the cripple's face.

"Oh, this is easy," he said, with a boyish laugh, and swallowed it forthwith.

"That's soon gone, my boy," remarked the schoolmaster.

Lamson removed his hat and wiped his brow, then he hurried towards the railway station. Arrived there, he was struck by an afterthought. He had visited Percy without leaving him any pocket-money. He slipped a florin and a half-crown into an envelope.

"Do you know Blenheim House?" said he to a passing railway porter.

"Oh, yes, sir; just across the way, sir."

"Very well; take this envelope there." He gave the man a trifle for himself, and settled down in a first-class carriage.

When the porter arrived at Blenheim House, Percy John was still sitting alone in the front drawing-room. The remains of Dr. Lamson's cake and sweetmeats were on the table, and the box of capsules on the mantelpiece. But the cripple boy did not seem inclined to eat further of the cake. Indeed, he was unusually quiet even for an invalid. Mr. Bedrook, who was receiving guests, brought two young ladies into the room to practise some music.

"Your kind brother has sent you this," said he, and handed Percy the pocket-money.

The cripple seemed to be listening intently to the music.

A strange pallor had suffused his face, and he complained of heartburn.

"Keep quiet, my boy; that is the best thing for heartburn," said Mr. Bedrook.

Percy was left alone. The pallor of his face became ghastly. His lips began to twitch, and the balls of his eyes to roll hideously in their sockets. He clutched at his heart convulsively, and suddenly he gave a terrible cry:

"My God, I'm choking!—I am dying!"

The matron of the house, alarmed, summoned assistance. The deformed sufferer was carried upstairs to his bedroom. His chest heaved violently. Suddenly he

He took the paper.

began to vomit thick black fluid. He was taken to the bathroom and there vomited again, and from there he was carried to his room, and laid on his bed. His screams now rent the house. Mr. Bedrook, terribly alarmed, summoned medical assistance. Mr. Little, a surgeon, and Dr. Berry arrived in haste. All the while the crippled boy was reaching a black, pasty vomit.

"Have you ever felt like this before?" asked Mr. Little.

"Once—only once. At Shanklin my brother gave me a quinine pill, and I felt nearly as bad. My God, my God, I am burning inside!"

The unhappy boy writhed on the bed in the most frightful agony. Great black veins stood out like rope upon his white, shrivelled skin. The doctors were puzzled. The cripple seemed to be suffering the tortures of hell, and yet retained all his mental faculties undisturbed.

His writhings became so terrible that he had to be held down by main force. He said his skin felt as if it was being torn off him by burning irons. His flesh, he said, was on fire. His eyeballs, glazed and sightless, protruded from his head, and his swollen tongue, covered with green foam, lolled out of his distorted lips. His screams of pain were appalling.

"Curse him! curse him!" the dying cripple gasped. "Curse my brother! He has done for me this time!"

He said no more, for death rattled in his burning throat. The doctors closed the staring eyes, and turned away.

"Such a death can only be caused by one thing," said Dr. Berry.

"And that?"

"Is aconite poisoning."

"There must have been some awful accident."

"There has been no accident—there has been murder!"

Mr. Bedrook covered his face with his hands, overcome with grief and horror. He detailed to Dr. Berry and Mr. Little the account of George Lamson's visit.

"Everything points to foul play," agreed the doctors; "and suspicion falls on the unhappy boy's brother-in-law. If only there was a motive."

"Motive!" cried Bedrook. "Why, I begin to see it all plainly! On the death of Percy one thousand five hundred pounds would go to Lamson."

The doctors and Mr. Bedrook now impounded the cake, the sweetmeats, and the capsules left by Lamson. Some of the dead cripple's vomit was in a basin. This was poured into a bottle, and corked up.

In the morning Scotland Yard was communicated with, the result being that the dead boy's body was removed to the mortuary, for medical analysis. Suspicion fell very heavily on Lamson, who was now somewhere unknown abroad. Mr. Bedrook now remembered that Dr. Lamson had sent the deceased cripple medicine in the form of quinine pills on several occasions. Percy had complained of illness on taking these, and they had been discontinued. These pills were now discovered in one of the dead boy's boxes, and were handed over to the public analyst.

Now, it happened that a few days after this William Dodd, an assistant in the shop of Messrs. Allen and Han-

The landlord cashed a cheque.

bury, was reading one of the evening papers, and his eye fell on an account of the strange "Wimbledon Mystery."

"Lamson," said he reflectively, "Lamson. I seem to know the name. Why, of course, I remember!"

He took the paper and consulted with a young man of the name of Charles Betts, also an assistant in the same firm. Then it was that they remembered a sallow-faced man, with a nervous manner, entering the shop in Lombard Street some time previously. He had asked for two grains of aconite.

"Are you a medical man?" Betts had asked.

"Oh, yes," was the reply.

"As you are ordering poison, kindly write down your order, then," said Betts.

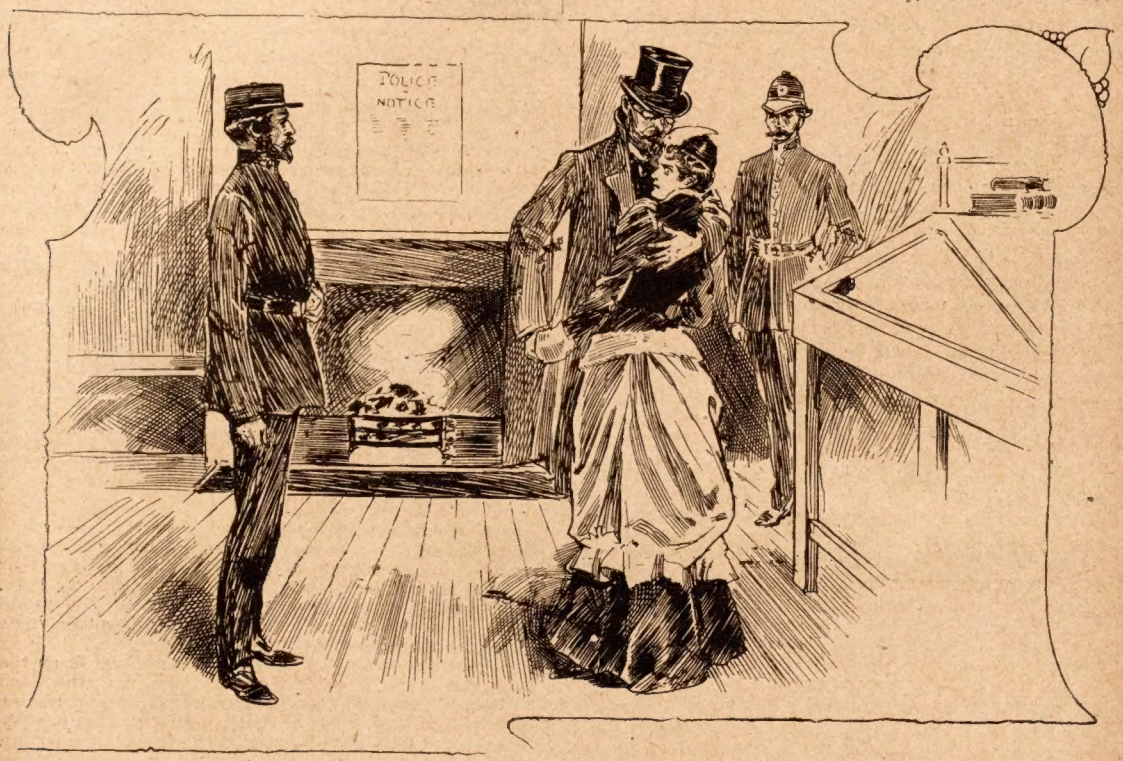
The customer had complied, and had handed the written order to Dodd.

On it Dodd and Betts had read:

"Two grains of aconite.
George Henry Lamson, M.D.,
Bournemouth,
Hampshire."

Dodd had then referred with Betts to the "Medical Directory." There they had found Lamson's name, together with no end of distinctions and qualifications. Lamson, it appeared, had served with the ambulance throughout the Franco-Prussian and Servian wars, and had gained medals and a host of international honours.

"Will you have the aconite in a bottle?" asked Dodd.



"BEFORE HEAVEN, MY HUSBAND IS INNOCENT!

"No," said Lamson. "I don't require it in a bottle; wrap it in paper."

Without further words Lamson had left the shop. All this was recalled to Dodd's mind by a stray paragraph in a newspaper which he had chanced to buy. Betts at first was not certain whether they had sold Lamson aconite or atropia. However, he referred to the bottles of the respective drugs. When he saw the aconite, it was lumpy, and he remarked that the drug they had sold to Lamson was lumpy also, whereas the atropia was perfectly smooth.

The two assistants, without further delay, told this tale to Mr. Hanbury, and with him they went and repeated it to Inspector Butcher, of Scotland Yard.

The inspector was of opinion that this evidence was damning to Lamson, around whom the chains of suspicion were gradually being drawn tighter and tighter. Still another very potent question was raised which had to be answered.

Was Lamson in pecuniary difficulties? Unless the man was in want of money, would he have resorted to such a diabolical plan to murder the cripple boy for one thousand five hundred pounds?

At this point Inspector Butcher received another visitor. This was a certain Mr. Tullock, a friend of Lamson's. He had been with the missing man two or three days before the death of the unhappy boy. Lamson had driven with him to a public-house in St. John's Wood. The landlord had there cashed a cheque for him of twelve pounds. Mr. Tulloch had called in the public-house some days later, and found that the cheque had been dishonoured. Thus was it proved that Lamson only two days before Percy's death had resorted to fraud to obtain a few pounds.

A pawnbroker of the name of Robinson was the next to appear upon the scene. It appeared that a person giving the name of George Henry Lamson had pawned with him a gold watch quite lately. To crown all this came the news that the analyst had found traces of aconite in the preserved vomit of the dead cripple. The analysts were now busy testing the contents of the stomach, together with that of other portions of the deceased's body, all of which had been dismembered and preserved in separate bottles. It seemed now that the evidence against the missing man was overwhelming; moreover, each fresh discovery lent it additional weight and significance. Two detectives left Scotland Yard secretly, and crossed over to France. What was their object? No one could tell; but a rumour leaked out that two police officials were in France in search of a certain George Henry Lamson.

About this time Inspector Butcher had still another visitor. A pale-faced man, dressed in a black frock coat, somewhat frayed at the edges, with well-worn shoes and gloves, called with his wife one evening at Scotland Yard. There were heavy marks under the man's eyes, and he had a beard newly grown. An official summoned Inspector Butcher, who at the moment was busy.

"A gentleman has called here with a lady," said the man. "He wants to see you."

"Oh, I'll see him at once.

The inspector entered the room. The sallow-faced man with the straggly beard was conversing in whispers with his young wife. He started on the inspector's entrance, and glanced furtively about like a man affected with a disease of the nerves.

"You wish to see me, I believe?" said the inspector politely.

The man stood up to his full height, and faced the officer.

"I do," said he quietly. "My name is George Henry Lamson."

Inspector Butcher fell back with an exclamation of astonishment. The very man for whom the law's emissaries were at that moment searching on the Continent had willingly called and openly announced himself at Scotland Yard!

"You seem surprised at my visit," said Lamson, smiling ironically. "I have called in connection with the sad, the terrible death of my brother-in-law, Percy Malcom John. I have come to say that if I can be of any assistance in this case I am at your disposal."

"Assistance? Do you know there is a warrant out for you?" cried the inspector.

The man started slightly. A low cry escaped from his wife.

"I am not surprised," said Lamson, regaining his composure.

"George Henry Lamson, I arrest you for the murder of Percy Malcom John, in the Queen's name."

The inspector's hand fell heavy on Lamson's shoulder. His wife had arisen.

"Before heaven, my husband is innocent!" she cried, and fell on Lamson's shoulder.

Bold and calm, the prisoner soothed his wife. He was handed over to the custody of the police.

The weeping wife was led out and placed in a cab, and the cab drove swiftly away in the thick winter night.

The stone cell door closed with a bang on Lamson, and in the silence of his cell for the first time the wretched man lost his composure.

"Good God, I shall go mad!" he cried, with his head sunk in his hands.

The coroner's jury returned a verdict of "Murder against one George Henry Lamson," and the magistrate at Bow Street committed him for trial.

He was to stand in the dock at the Old Bailey to be tried for his life.

Mr. Montagu Williams, the greatest criminal barrister in England, was engaged to defend him.

TO BE CONCLUDED.

His Lordship Was the Ass.

At the Manchester Spring Assizes in 1872 an action was brought by the owner of a donkey which had been forced against a wall by a waggon and killed. The driver of the deceased animal was the chief witness, and was bullied by Mr. Sam Pope, Q.C., the defendant's counsel, so that he became confused and contradicted himself more than once, and was reprimanded by the judge for not giving proper replies and addressing them to the jury.

Mr. Pope continued his bullying of the witness, and reminded him over and over again of the judge's caution, and said, "Hold up your head, man; look up, I say! Can't you hold up your head, fellow? Address your answers to the jury!"

Mr. Torr, for the plaintiff, on re-examination, thought he saw signs of recovery from the witness's confusion, and asked him to describe the position of the waggon and the donkey. After a deal of pressing he at last said, "Weel, my lord judge, I'll tell you as how it happened. Turning to Mr. Torr, he said, "You'll suppose ye are the wall."

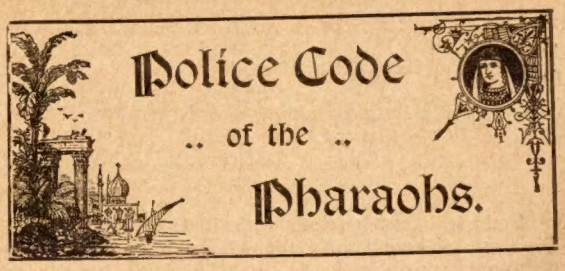
"Ay, ay," said Torr, "just so, go on. I am the wall, very good."

"Yes, sir, you are the wall." Then slightly changing his position, he said, "I am the waggon."

"Yes, very good; now proceed, you are the waggon," said the judge.

The witness then looked at his lordship, and, with some hesitation, but with a bow and a very humiliated and despairing look, said:

"And your lordship's the ass."



OUR knowledge of the laws of the Ancient Egyptians is derived partly from fragmentary references preserved in the works of the classical historians and partly from original legal documents which have been discovered in Egypt from time to time, and are now preserved either in the various national museums or are in the hands of private collectors.

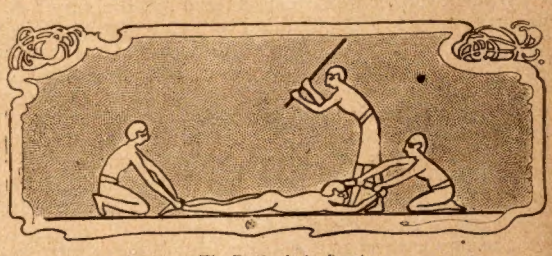
Needless to say, the laws which have been handed down to us by the historians only reflect those in use at the time in which these writers lived, and are, therefore, of comparatively recent date. The two principal authorities for the legal code of the late period—that is, from about B.C. 650-300—are Diodorus Siculus and the celebrated Greek historian, Herodotus of Halicarnassus, who was born in B.C. 484 and who died B.C. 425. These writers knew only that form of the

The Rod for slaves.

Egyptian criminal and civil law which was in use in their time, and as at their period Egyptian civilisation had become largely infused with that of Greece, it is useless to apply to them for information concerning the pure Egyptian code as it was in use in the days of the great Pharaohs. We will, therefore, turn to the earlier records of the Egyptians themselves, and hear what they have to tell us.

From the earliest documents discovered we learn that Mena, or Menes, the first historical King of Egypt, about B.C. 3666, was the first to frame a code of laws for his subjects. These laws were, of course, of a very primitive type, and referred mostly to domestic matters, such as marriage, children, property, and slaves, of which the early Egyptians appear to have possessed a large number.

As time went on and the inhabitants of the Nile valley increased in numbers, so more and more additions had to be made to the original simple code of Mena, until, at the time



The Bastinado in Egypt.

of King Assa, about B.C. 3000, laws relating to murder, theft, adultery, and even perjury were added to the list. Perjury was considered one of the worst of crimes, and severe punishment was the portion of all such as were found to be guilty of it. There existed, however, various degrees of perjury. Simple perjury—that is, making a false statement—was usually punished by imprisonment, but should a person go so far as to back up this statement by oath, saying, "By the life of Pharaoh," it was looked upon as one of the worst of

crimes, and was in all cases punishable by death. This form of perjury was considered not only a contempt of court but disrespect to Pharaoh, who, being regarded as a god incarnate, it became equal to contempt for the gods.

It is interesting here to note that this was the exact form of oath made use of by Joseph when he accused his brethren of being spies, and doubtless struck terror into the Egyptian officials, who may have been present and heard it used, knowing, as they would do, the nature of it (Gen. xlii. 15, 16).

The crime almost invariably punished by death was that of murder. This species of offence was divided, according to Egyptian law, into two kinds. Firstly, the murder of

Punishing boys in Ancient Egypt.

parents or parricide, and secondly, the murder of a freeman. The first of these was considered to be such a dreadful crime that it was usually visited by the most cruel punishments imaginable. The Egyptians, looking on this not only as the worst but also as the most unnatural of crimes, endeavoured as much as possible to prevent its occurrence, and therefore they ordered that the culprit should be cut all over the body with sharpened reeds, and, after having been thrown on thorns, he was burnt alive. The second—the murder of a freeman, or even slave—was also punished by death, and it is possible that the sentence was carried out by the public executioner, although no evidence of this is found on the monuments.

In cases of this kind the King could, and even sometimes did, exercise the royal prerogative, but the royal clemency was only extended if something could be said in favour of the prisoner—for instance, if he had killed the man in self-defence or under great provocation.

When women were sentenced to death it was the custom to first ascertain if they were in a state of pregnancy, and, if so, time was allowed for the birth of the child to take place, and after that the sentence was carried out, for the Egyptians did not consider it right to take two lives for one, and, moreover, deprive the father of his child.

The death sentence might be executed in two ways. In the case of ordinary persons it appears to have been at the hands of the public executioner, but whether it took the form of hanging, strangulation—which is the most probable—or decapitation cannot at present be said, as the documents which have come down to us to the present date give no particulars as to method.

It is true that in the celebrated ritual or sacred book, known as the "Book of the Dead," persons are seen headless, lying on the ground, but whether this may be taken as a proof that decapitation was in use is a matter of conjecture.

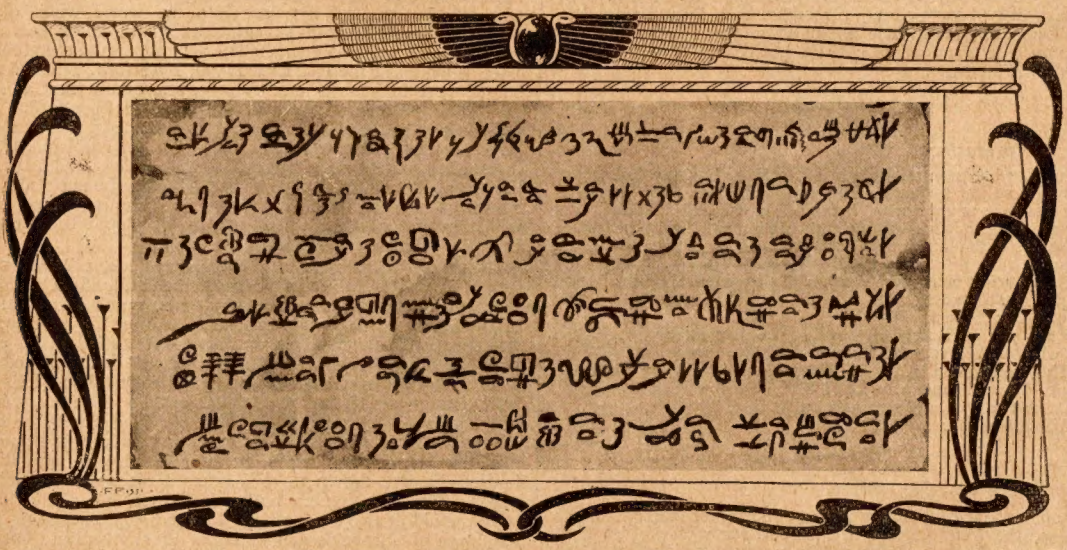
We know, however, from a number of documents of various periods that the capital sentence was carried out by sending the condemned man home and there compelling him to destroy himself—namely, by means of poison. This form of satisfying justice appears almost in all cases to have been reserved for persons of rank and those found guilty of offences against the state.

Adultery was another crime which was most severely punished. A woman found guilty of this offence was ordered what might be termed the most primitive and barbarous of punishments. She was in most cases sentenced to lose her nose, and in some cases her ears also, and the man was ordered a thousand strokes with the bastinado.

The bastinado, or stick, was the favourite form of punishment in Egypt, and is so even to this day, the Mohammedans saying that "the stick descended from heaven as a blessing to man."

In a tomb at Beni-Hassan we see represented on the walls a man and a boy receiving strokes with the bastinado (see illustration). The man is placed face downwards on the ground; while two others hold him down, a third stands over him, armed with a stick, with which he lays on the strokes with all his might. Lower down two boys are about to undergo the same treatment. One of them appears to have his hands tied behind him, while the other seems to be offering some excuse for his offence, which, however, the man with the stick refuses to listen to.

With respect to thieving, the Egyptians had, about the latter part of the reign of the Ramesside kings, from B.C. 1300-1000, a very peculiar custom. Unable to put a complete stop to thefts, petty and otherwise, the Egyptian Government appointed an official, who was known as the chief thief, not that he stole anything himself, but he was a receiver of all that which was stolen, and those who followed thieving as a profession—for it had risen to the dignity of a fine art at this period—handed in their names to this official. When anything, therefore, was stolen, be it from the private houses, shops, tombs, or elsewhere, the object abstracted was brought to the "chief thief," who paid the actual evildoer a certain sum for it. The article was then kept at the office, and the person from whom it had been stolen could have it returned on the payment of one quarter of the value. The money, or kind, for the latter mode of payment was permitted, then found its way into the coffers of the national exchequer, and so went to swell the treasury of the empire.



FAC-SIMILE OF A PORTION OF THE 125th CHAPTER OF THE "BOOK OF THE DEAD."

Taking this state of affairs into consideration, little wonder that the whole of Egypt was overrun with thieves and tomb-breakers about this period, and that many complaints reached the magistrates of the various towns and villages throughout the country.

The laws against forgery were almost as strict as those against murder, and well was this so. When we come to consider the enormous number of persons in Egypt who could neither read nor write the difficult hieroglyphic script used by the scribes, such persons were practically at the mercy of any unprincipled scribe who chose to forge a signature or seal, or even alter a whole document to suit his own purpose. In most cases the form of punishment was banishment of the offender to some remote part of the desert and the loss of the right hand. However, in justice to the Egyptian it must be said that it is very rarely that a document has been discovered which shows signs of having been otherwise than fairly drawn up. Up to the present no law-books have been discovered, and it would appear that the Egyptians were made acquainted with their country's laws by oral teaching, much in the same manner as was the case in Mosaic times. Apparently the laws in force were to a great extent based upon a priestly code as represented by the now celebrated ritual called by modern Egyptologists the "Book of the Dead," a few lines of which we give as illustration.

This work dates from the earliest times, and copies of it are usually found bound up with the mummies, hence it has been called by the above title by modern scholars.

Although this work consists of a number of chapters which deal entirely with the soul and other religious matters, the greater part of it is devoted to what might be termed "commandments." The 125th chapter is the one which most concerns us. In this chapter we read:

"I have not killed men,
"I have not falsified weights,
"I have not stolen,
"I have not blasphemed,
"I have not told lies," etc.

The deceased was supposed to recite this formula before the judge in the underworld before he could be admitted to the fields of the blessed. It therefore follows that to the Egyptians' idea the above and many more crimes were condemned both in this world and the next.

If we now review what we have stated in the course of this article we are forced to the conclusion that the laws of Ancient Egypt very closely resembled both in nature and in teaching the Jewish code as found in the Book of Deuteronomy, but arranged to suit the period and the people for whom it was drawn up.

Could Never Forget.

A WOMAN had seen another man attack her husband and injure him so much that he died of his injuries. She had only seen his face momentarily, but when a certain individual was arrested on suspicion, she instantly recognised him as being her husband's assailant, and he was accordingly charged with the crime.

At the trial, much turned upon the question of identity, and the prisoner's counsel endeavoured to show that Mrs. C—— might have been mistaken.

"Are you absolutely certain that the man in the dock is the one who stabbed your husband?" the judge demanded.

The woman replied: "We lived together happily for many years. I saw the man who killed him. Do you think it possible, my lord, that I should ever forget that face?"

The argument was conclusive.

Your Question, Not Mine!

A CURIOUS incident once arose out of a trial for murder. It was on the Welsh Circuit, and the barrister who was defending the prisoner had been instructed by a country solicitor, who was a very obstinate and peppery little man. During the cross-examination of one of the witnesses the advocate was pressed by the solicitor to ask a certain question, which the former declined to do, believing that it would prejudice his client's case. The solicitor pressed him again and again on this point, but he remained obdurate.

"Well, sir," exclaimed the local lawyer at last, "these are my instructions, and mine is the responsibility. I request you to put the question. I insist upon it!"

The barrister at last consented; the question was put, and it went no little way in hanging the prisoner.

The sentence having been pronounced, the barrister was in a fearful passion, and, turning to the solicitor, hissed in his ear: "When you meet your client in H——, which you assuredly will, you must tell him that it was your question, not mine!"

The Exploits of
John Hawkins & James Simpson

Two notorious highwaymen who were executed for robbing the Bristol Mail.

"From those drear solitudes and frowsy cells,
Where infamy with sad repentance dwells;
Where turnkeys make the jealous mortal fast,
And deal from iron hands the spare repast."
—BURNS, "Epistle from Esopus to Maria."

ALTHOUGH these "knights of the road" never obtained for themselves the eminence—except in a hanging sense—which belongs to Richard Turpin, Claude Duval, Jerry Abershaw, and other distinguished wearers of the black mask, yet their names are not altogether forgotten, and their exploits were sufficiently infamous to render them famous. Robbing the mail was considered, and with good reason, a very serious crime in the days when the idea of motion by means of steam was still in the womb of time. The credit or discredit of robbing the Bristol mail belongs to this pair of desperadoes, and their history is sufficiently interesting to be described at some length.

John Hawkins was the son of a poor farmer at Staines, Middlesex, and his father not being able to educate him, was obliged to send him out into the world when quite young. He obtained a situation as gentleman's servant, but not liking his employer, he left very soon, and then took a place as waiter at the Red Lion Hotel, Brentford. This did not suit him, so he sought another post, and again went as servant to a gentleman of means who lived at Brentford. He stayed at this place for some time, and as he grew to man's estate he became more ambitious, and went from one place to another, obtaining situation after situation, and improving his position with every change. Finally he succeeded in securing the position of butler to Sir Dennis Drury, and whilst in that gentleman's employ he developed those traits and vices which brought him to the scaffold.

Hawkins was a man of splendid physique, tall and well knit, his person was exceedingly graceful, and this, combined with his handsome face, made him much sought after by the fair sex. He was remarkably vain of his good looks and spent his money freely on dress, but, as his tastes and requirements far exceeded his income, he endeavoured to obtain the necessary cash to meet his heavy tailors' bills by frequenting gambling houses, three or four nights a week, but, instead of increasing his income, as he hoped, he lost money, and his manner of life becoming expensive through mixing with the bad company he met at the gambling houses, he was drawn to robbery as a means of obtaining funds. His position as butler facilitated his plans, and, with the aid of two accomplices, he succeeded in robbing his employer of a considerable quantity of silver plate, but so artfully had he planned the robbery that, though grave suspicion attached to him, no proof could be adduced that he actually committed the robbery or was accessory before the fact, and the only punishment which he received was his discharge without a character.

Being thus deprived of his means of livelihood, he cast about for some method of replenishing his purse when he had spent and gambled the proceeds of the silver plate he had been the chief instrument in obtaining. He decided to take to the road, and, blossoming at once into a fully-fledged highwayman, he repaired to Hounslow Heath, where he successfully commandeered some eleven pounds from the passengers on a coach which he had stopped. Delighted with this easy success, he returned forthwith to London,

and, making his way to one of the gaming houses with which the West-End of the town abounded at that time, he soon lost every penny of the money which he had been at such risk to obtain.

Nothing daunted, however, he again embarked on a course of robbery, and met with varying success in his ventures, but every penny that he thus acquired was lost in gambling, and he was often reduced to the utmost straits. About this time he became a member of an organised gang of highway robbers, but the majority of his companions were soon captured, and either hanged or transported, and at last he was reduced to accepting one man only as a companion in crime.

This person was named Wilson, and a youth of good education, who had been articled to a Solicitor in Chancery, but had neglected his duties and lost his position through an attachment to the cards and dice. Associated together, this pair of worthies committed several serious depredations and were at last arrested and charged with robbery, but fortune had not yet turned against them, and they were acquitted for want of sufficient evidence to convict.

Alarmed at this narrow escape, Wilson removed to the town of Whitby, in Yorkshire, where his mother resided, and remained quietly there for about twelve months, but subsequently he returned to London and resided with a gentleman of the law. For some time he did well, but, having lost all his money in gaming, he renewed his association with Hawkins, who was now in league with a new set of ruffians. One of these marauders, however, soon turned King's evidence against his partners in guilt, and the capture and execution of several of them following, Hawkins found it advisable to conceal himself for a time. Being driven by want, he at length ventured from the seclusion of his retreat and attacked the carriage of a gentleman on Finchley Common. One of the servants resisted the highwayman, whereupon Hawkins immediately shot him, and the unfortunate man received a fatal wound. Flying at even higher game, Hawkins next stopped the equipage of the Earl of Burlington and Lord Bruce, in Richmond Lane, and from these noblemen he took about twenty pounds in cash, two gold watches, and a sapphire ring. The victims consulted the notorious Jonathan Wild, with a view to procuring a restoration of the ring, but it was not recovered, and it was believed that Hawkins took it to Amsterdam, and there disposed of it for forty pounds. Returning to this country with the proceeds, he rejoined Wilson and his old companions, and they robbed Sir David Dalrymple of about three pounds, a gold snuff-box and a pocket-book, for which last the baronet offered a reward of sixty pounds to Jonathan Wild. That great scoundrel was not, however, able to recover the coveted pocket-book, as the persons and haunts of this set of thieves were quite unknown to him, and, as a matter of fact, the article was returned to its owner by the robbers themselves, who employed a porter for that purpose.

Their next victim was a Mr. Hyde, of Hackney, and from this gentleman they stole ten pounds and a valuable watch; but in this instance they took the shadow and left the substance, for they overlooked a sum of £300 which he had in his possession. After this the Earl of Westmorland was forced to pay tribute to these bandits. They took from this peer a considerable sum of money, although there were three formidable-looking footmen behind the carriage, who summoned the aid of the watch. On the arrival of the latter the miscreants fired pistols over their heads, and the brave minions of the law promptly decamped, leaving Hawkins and his confrères masters of all they surveyed.

It having come to the knowledge of Jonathan Wild that Hawkins purposed leaving England for Holland, in order to dispose of the various articles of jewellery which he had obtained by robbery, and which it would be unsafe for him to attempt to dispose of in this country, he at once had several members of the gang arrested, and the remainder, in fear, scattered themselves in different parts of the country in order to avoid a similar fate. Hawkins and Wilson fled to Oxford, and whilst there they visited the Bodleian Library, and, out of pure wantonness, the former seriously damaged several pictures in the gallery there. The authorities offered a reward of one hundred pounds for the discovery of the perpetrator of the outrage. An impecunious tailor of well-known Whiggish principles, who held forth on the politics of the times in every public-house in Oxford, was arrested on suspicion of being the defacer of the pictures, and his political views being public property, he narrowly escaped being whipped, not so much because he was believed to be the perpetrator of the picture outrage, as on account of his political ideas.

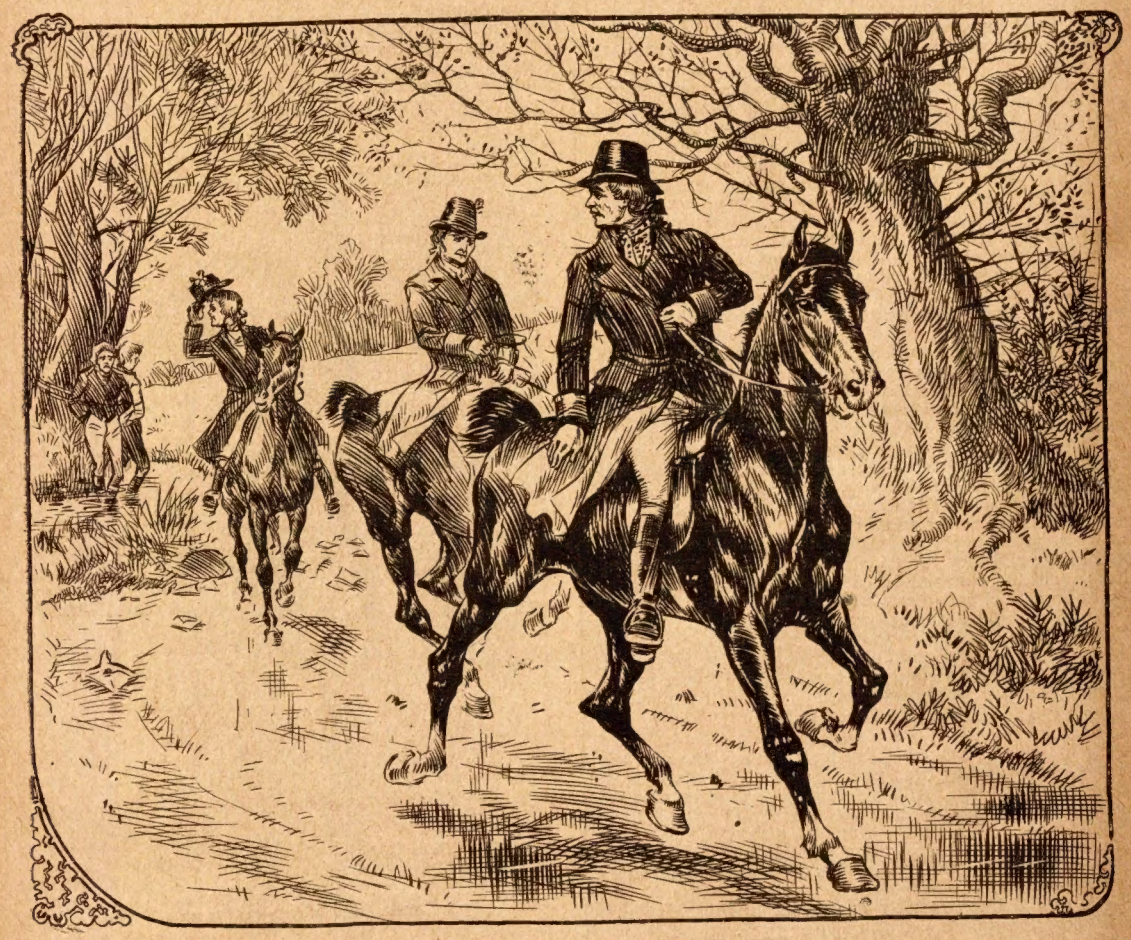
After a somewhat protracted stay in Oxford, Hawkins and Wilson returned to London, and the latter a short time afterwards attained his majority and came into possession of a small estate left him by his father, and which he immediately disposed of for three hundred and fifty pounds. He purchased horses for his companions with part of this money, and the balance was quickly got rid of at the gambling dens. Once more the two associates found themselves penniless, and again did they return to their nefarious practices. Proceeding along the Hampstead Road one night, they saw the approaching lights of a carriage, and withdrawing to the shade of the trees which bordered the road on each side, they awaited its arrival. On coming opposite to them they fired their pistols and then ordered the coachman to pull up. This he was unable to do, as at the discharge of the fire-arms he had tumbled off the box with fright. Wilson sprang out, and seizing the horses' heads, brought them to a standstill, his companion, in the meantime, presenting a pistol at the occupants of the carriage, two gentlemen, with the usual demand, "Your money or your life." The reply came from both at one and the same time in the shape of half a dozen slugs, the gentlemen having fired simultaneously, and Hawkins dropped his pistol and staggered to his associate, crying, "Jim, I'm shot!" Wilson was prompt in his action.

Much sought after by the fair sex.

Giving the nearest horse a kick in the ribs, he started them off, full gallop, and then turned his attention to his wounded comrade. With great difficulty he got him to London, having to carry him the greater part of the way, as he had lost a great quantity of blood. A surgeon was quickly sent for on their arrival at their lodgings, and an examination discovered the fact that three slugs had lodged in the right shoulder. Hawkins was confined to the house for several weeks by the wound, but as soon as the surgeon allowed him to go out, he and Wilson made straight for Hyde Park and attempted to stop a gentleman's carriage.

The coachman, instead of obeying their command to halt, whipped up his horses to a gallop, and Wilson, thinking to frighten him into submission, or perhaps remembering the effects of a pistol shot on the last coachman he had interviewed, hastily discharged his pistol in the direction of the retreating coach. He, however, hit nobody but himself, the bullet nearly blowing away one of the fingers of his left hand. It was now Hawkins's turn to assist his pal, and as the attention of the watch had by this time been attracted by the sound of the firing, and the light of their lanterns could be

seen like will-o'-the-wisps in the distance, they made all possible haste to escape; but when they reached the wall with which the park was at that time surrounded, Wilson's wounded hand proved a very serious obstacle, as he could only use one in his efforts to scale the wall. The lights of the watch were gradually approaching, and the voices of the latter as they called to each other could be distinctly heard. Hawkins had got on the top of the wall, but was unable to pull his comrade up by one hand. Matters were beginning to look very serious, when Wilson said, "Come down, Jack, and I'll show you how I can get up." Hawkins immediately dropped to the ground, and then Wilson asked him to kneel down with his face close to the wall, and, on his complying with the request, Wilson sat on his neck with a leg over each shoulder. Hawkins stood up, and clasping his hands together, palms upward, he formed a stirrup which Wilson



SECURED THEM TO A TREE IN A WET DITCH.

standing on was enabled to reach the top of the wall with both upper arms and pull himself up. Hawkins took a short run, and with a spring caught the coping, and was by his friend's side in a twinkling. The rest was easy, and the pair of scoundrels made the best of their way to the City, to once more call in the surgeon whose services had been required on their former nocturnal expedition.

This second narrow escape again revived Wilson's fears of arrest and its consequences, and two days afterwards he started for Whitby again, and on his arrival there was warmly welcomed by his mother. He was firmly resolved to give up his former evil ways, and he settled down to a steady mode of life, and employed himself in his mother's business, and for some months lived a model life, and was seriously considering the advisability of getting married and laying out plans for the future.

One afternoon a message was brought to him that a gentleman wished to speak to him on urgent business, and was waiting at the Cross Keys, a public-house a few yards away from his mother's dwelling-place. Wilson hurried down to the appointed place, and was most disagreeably surprised to find his old friend Hawkins, together with another man named George Simpson, a native of Putney. He was the son of a wine merchant, who, having met with misfortunes in business, removed into Lincolnshire with the object of retrieving his fortunes. At Lincoln the younger Simpson kept a public-house and acted as sheriff's officer, but the public-house proved a failure, and the money he received for his duties as an officer was quite inadequate for his needs, so he returned to London, and obtained the position of butler to Lord Castlemaine, and afterwards filled other responsible positions with satisfaction to his employers and credit to himself until he had the misfortune to make the acquaintance of Hawkins.

Wilson was very much disturbed at seeing Hawkins, and asked him what his object was in making such a long journey, whereupon Hawkins fell into a violent passion, used very bad language, and told Wilson that he had come to Whitby to tell him that he (Wilson) had been impeached for the little affair in Hyde Park, and that he would be arrested in a few days. Poor Wilson was terrified to death at this information, and was easily induced, in order to escape the officers who, Hawkins declared, were on their way to apprehend him, to accompany Simpson and his old associate to London. On his arrival there he caused inquiry to be made concerning the alleged impeachment, and found that Hawkins had wilfully lied to him. He was, however, completely in the power of Hawkins, who threatened to expose his share in the Hampstead Road and Hyde Park affairs, as well as several other robberies which they had committed together, though why Wilson did not see that Hawkins would be compelled to incriminate himself in doing so, cannot be imagined. At all events, the trio soon made the acquaintance of a gang of noted thieves, and Wilson and

Hawkins were once more launched together on a career of crime. Several robberies were committed, and five of the gang were executed. It was their custom to meet nightly at a public-house at London Wall, the proprietor of which kept a somewhat extensive livery stable. The members of the gang were thus enabled to ride out at any time of the day or night without arousing suspicion, and they took full advantage of this, and were always in the saddle when one of the stages from the provinces was expected in town, and meeting it outside London, on one of the large heaths, eased the occupants of their money and valuables.

The name of the publican was Carter, and though never taking part in the actual robberies, received his share of the plunder secured by the gang. At length, one of the robbers named Child was wounded and captured whilst robbing the mail, and, being tried and found guilty, was executed and hung in chains. This so enraged the other members of the gang that they determined to commit a similar robbery in order to avenge what they chose to call the insult to their profession.

They discussed their design in the presence of Carter, who suggested that they should rob the Harwich mail; but this was negatived by the gang on account of the unsettled state of the weather rendering the time of its arrival uncertain. It was finally resolved that the Bristol mail should be the object of their nocturnal expedition, and preparations were accordingly made for securing the booty carried thereon. The boy who carried the mail was accosted at Slough by a countryman, who accompanied him to Langley Broom. Here a second member of the thieving fraternity joined them as a stranger, and after asking a few questions about the time, the distance to Staines, etc., he turned back again. When the other two reached Colnbrook they again came across the same man who had accosted them some time before, accompanied by two others, and the three followed them for about half a mile, when, pulling their wigs down over their faces in order to conceal their features, and holding handkerchiefs to their mouths, they came up with them and peremptorily ordered the boy and the countryman to go with them down a narrow lane, and when about two hundred yards had been traversed they stopped and commanded them to dismount from their horses. Having done this, Hawkins, Simpson, and Wilson, for these were the three strangers, tied them back to back, and secured them to a tree in a wet ditch, so that they were immersed up to their knees in water. The robbers then took the Bristol and Bath mail-bags from the boy's horse, ripped them open, and extracted a quantity of letters, etc., concealing the remainder in a hedge.

The trio now crossed the Thames, and riding into Surrey, stabled their horses at an inn in Bermondsey Street. It was now nearly six in the morning, and, having breakfasted, they went by different routes to a public-house in the Minories, where they had before agreed that they would divide their plunder.

The landlord of this house was acquainted with both the persons and the profession of his visitors, and showing them into a private apartment, he brought out pens, ink and paper and left them to themselves. The bank-notes, cash, jewellery, etc., contained in the various letters and packages having been equally divided, the letters and envelopes were thrown into the fire, and having called for and drunk a bottle of wine, they took their leave and proceeded direct to their lodgings in Green Arbour Court, Old Bailey.

In the meantime the boy and the countryman had been released from their unpleasant position in the ditch, and the matter was put into the hands of Jonathan Wild. He received information that suspicious people were in the habit of frequenting the house of Carter, at London Wall, and sent some persons there to find out what they could. Wilson happened to be at the house when these persons were making their inquiries, and suspecting their business, he hastily slipped out and made for the Moorgate Coffee House, which he had been in the habit of using some two years before when engaged in his nefarious practices before his first retiral to Whitby. This house was one of some repute, and therefore less liable to be searched for people whose persons the Crown desired to have directly under its control. He had hardly taken his seat when a garrulous Quaker mentioned the fact that a search was being instituted in the neighbourhood for the men who had robbed the Bristol mail. Seized with terror, Wilson drank his coffee, paid his bill, and bolted through the back door in a manner more speedy than dignified. He wandered aimlessly about for some time, and at length made up his mind to leave London and proceed by water to Newcastle. Meeting a friend who had known him in his better days, he was informed that he and his companions were suspected of having robbed the mail, and was advised to go to the Post Office, surrender himself and turn Crown evidence, and this was accompanied by the hint that if he did not do so, it was more than probable that Simpson would, as he had been heard asking some questions which certainly intimated that such was his intention. Wilson, however, fearful of his own safety, neglected this advice, but determined on going to Newcastle, but as he made his way towards the docks he met the men he had seen at Carter's making the inquiries which precipitated his retreat from that place.

They followed him, but, unperceived by them, he again entered the Moorgate Coffee House, they, in the meantime, entering by another door. Wilson did not remain in the house a single instant, but merely walked straight through, out of the front door and—into the arms of those who were seeking him! He was at once arrested and taken into custody, but refused to make any confession, and was evidently determined to conceal the truth, until two circumstances induced him to make a clean breast of the whole transaction. The first of these circumstances was that the Postmaster-General promised that he should be allowed to turn King's evidence, if he would give the names of his accomplices; and the second, that a clerk taking him aside, showed him a letter without any signature, which ran as follows:

> "Sir,—I am one of those persons who robbed the mails, which I am sorry for; and, to make amends, I will secure my two companions as soon as may be. He whose hand this shall appear to be, will, I hope, be entitled to the reward and his pardon."

Wilson at once recognised the handwriting as that of Simpson, and therefore felt no compunction in making a full confession, with the result that Hawkins and Simpson were speedily under lock and key. They, at first, resisted arrest, and threatened to blow out the brains of the officers—if they had any—but on being informed that they also were provided with firearms, if not with brains, the two miscreants quietly surrendered and were conveyed to Newgate.

Hawkins endeavoured to prove an alibi, declaring that he was in London at the time the mail was robbed; however, the jury returned a verdict of guilty against both prisoners, and they were executed at Tyburn on the 21st of May, 1722, and their bodies afterwards were hung in chains on Hounslow Heath.

Wilson, a third time terrified at his escape, at once returned to Whitby, and his evil genius, Hawkins, being removed from his path for ever, he became a prosperous and respected tradesman in his native town, where he died in the year 1776, respected by all who knew him.

A Humane Judge.

A girl named Ellen Hodge, aged fifteen, was tried before Mr. Justice Rooke for stealing. It transpired from the evidence that the child was in great want, and had had nothing to eat for nearly thirty-six hours. The jury, very reluctantly, returned a verdict of guilty, and the judge, while commending their sense of justice, and informing them that they could find no other verdict on the evidence adduced, said that he sympathised with them in their reluctance, and would inflict the smallest punishment allowed by law. He then said to the prisoner, "You have been found guilty of this offence, and the sentence of the court upon you is that you shall be fined one shilling, and I say that if you have not got such a coin in your possession I will give you one for the purpose of paying this fine."

Nine Tailors Make a Man.

Lord Chief Justice Eldon once tried a case at Exeter, when eleven tailors were charged with rioting, the disturbance having arisen out of a dispute respecting a rise of wages. Mr. Jekyll defended the prisoners, and attempted to elicit by cross-examination of the witnesses, how many persons were present at, and took part in the alleged riot. Lord Eldon, after listening patiently to his long cross-examinations, and seeing the drift thereof, interrupted him with the remark, "Mr. Jekyll, this inquiry is quite irrelevant, as you know that, according to what the law has laid down, three persons may make a riot."

"Yes, my lord," said Jekyll. "Hale and Hawkins lay down the law as your lordship states it, and I rely on their authority, for if there must be three men to make a riot, the rioters, being tailors, there must be nine times three present, and unless the prosecution makes out that there were twenty-seven joining in this breach of the peace, my clients are entitled to an acquittal."

Lord Eldon: "Do you rely on common law or statute?"

Mr. Jekyll: "My lord, I rely on the well-known maxim, as old as Magna Charta, 'Nine tailors make a man.'"

Lord Eldon overruled the objection, but the jury returned a verdict of "Not Guilty."

THE TRIAL OF MADAME BAPTISTE.

A beautiful Picardy farmer's wife saved from the guillotine by a former lover. Showing the cruelty and injustice of the French Criminal Courts.

"Man is unjust, but God is just; and finally Justice triumphs."
—LONGFELLOW, "Evangeline," Pt. I.

PART I.

IT is a far cry back to the middle of the forties, and as I turn over my scanty notes for the year 1845 (which, although carefully preserved, are stained somewhat yellow by the hand of Old Father Time) I cannot help reflecting upon the many ghastly crimes which have been committed since then and which will afford voluminous material of thrilling interest for the pages of this publication. To me, however, there are three trials which took place in 1845 that stand out more clearly in the memory than many of more recent years. These are the trials of John Tawell, who was executed at Aylesbury for the murder of Sarah Hart; that of John Henry Hocker, who suffered the penalty of the law for taking the life of Mr. De la Rue, at Hampstead; and the third that most extraordinary trial of Madame Baptiste for alleged arson and attempted poisoning in France.

The account of the Hocker crime has already provided our readers with much matter of absorbing interest, and the last, which I now propose to relate, will, I am confident, impress them, as it did me long years ago, with the inexplicable methods of the French criminal law, of the extraordinary attitude of judge and counsel in dealing with the very life of a beautiful young woman, which, from the commencement to the finish of the trial so trembled in the balance that the sensation created during its progress was the greatest in which it had ever been my lot to participate.

I suppose the whole affair is so indelibly fixed upon my memory from the fact that it was on the occasion of my very first visit to La Belle France—a visit to which I had been looking forward eagerly for some years before, but had never found the opportunity. My destination was, of course, Paris, and my experiences there would make, I venture to say, some very interesting reading; but they have naught to do with "crimes," as they partook of pleasure and sight-seeing in the gay capital, so can find no place here. Travelling to the Continent in those days was very different to what it is now, and "London to Paris in seven hours" then was undreamed of. There were no flying steamers across the Channel, and the usual mode of travelling on French soil was by diligence, whilst the correct thing when "doing" the Continent then was to sojourn a few days at the principal towns en route. I had chosen the way to the French capital viâ Amiens, and duly arrived in the grey old cathedral town in the spring of 1845. Instead of finding upon my arrival the dull city of which I had heard so much, and which I had been informed would weary me within twenty-four hours, to my astonishment I discovered the town—celebrated, with Paris, Chartres, Rheims, Laon, and Bourges, as possessing one of the famous Gothic churches—full of life and excitement. The cause for this was soon apparent. The assizes had just begun, and if there is one thing, with the exception of the theatre or the casino, a Frenchman loves more than another, it is the criminal court.

Just like the 'bus driver of London, who, having a day off, selects a seat beside a "pal" on the road to spend it, I, who had been saturated with police courts, coroners' inquests, and Old Bailey "jobs" at home, could not resist the opportunity thus unexpectedly offered me, so determined to remain in Amiens for a few days and study the methods of the administration of the law, compare it with our system, and discover for myself if they "managed these things better in France."

I must confess that I arrived at this decision because I had been diving into the pages of a very popular journal known as the "Gazette des Tribunaux," a publication whose title would suggest dry reading, consistent with our own "Law Times," but, in fact, teemed with as much exciting and descriptive information as to the criminal trials of the day as almost to compare with the pages now before my readers.

The "Tribunaux," indeed, I find, by glancing through a copy now before me, with its bold and broad columns, although an official journal, is really a romantic record of criminal events. There is recorded, of course, the accusation, the defence, and the sentence, but out of these facts there is weaved a kind of legal romance, built up with most entertaining passages. On my visit for the first time to a French town during the Assizes, and having read these graphic descriptions of the trials in this particular journal, I determined to be present at one and see how far the journalist had stuck to the truth, for I could hardly believe what I had read, even allowing for the love of dramatic effect natural to the Frenchman. In a word, I was curious to find out for myself how the writers or reporters were enabled to manufacture a social novel from any and every trial that came before their courts.

That I discovered that the old adage, "Truth is stranger than fiction," was once more applicable, my readers will admit when they have listened with me to the extraordinary trial of Madame Baptiste.

You will accompany me, then?

Let us enter the "Palais de Justice" at Amiens. It is a lovely morning in May. Accompanied by a French gentleman, a solicitor, who knows the "ropes," so to speak, of the court, we make our way to the important building. The approaches are almost choked by an anxious multitude, who exhibit as much anxiety to effect an entrance as a theatre-loving public would do in London to get into the house at which Sir Henry Irving was giving his farewell matinée. After no little difficulty we make our way by a private staircase to seats which have been specially reserved for us. Although the stage, so to speak, is yet unoccupied, the aspect of the court is solemn and imposing.

Immediately before us is a daïs, raised two steps above the floor of the hall, in the centre of which, behind a long table covered with black serge, are the chairs of the president, or judge, and his two assistants. Over where they will sit extends from the lofty roof to the high backs of their seats a colossal painting of Jesus Christ upon the cross. On the left there is an enclosed space which will be presently occupied by the Attorney-General (Procureur-Impérial, as he is called). Beyond this stretches to the extremity of the platform the jury-box. To the right there is a second enclosure which is to be occupied by the registrar (greffier). The seats which correspond with those which will be occupied by the jury are reserved for the defence, and in the case of political trials for the accused and their friends. These are known as the "Benches of the Accused." You see immediately behind them there is another, beside which a small door opens. This has the distinguished but dreadful appellation of the "Bench of Infamy."

This bench, which is conspicuously elevated, in minor trials is only occupied by two gendarmes, who, after having escorted their prisoners to the entrance and handed them over to the proper officers, afterwards introduce themselves by the small door. But in every case where life or the galleys are involved, they seat themselves on either side the accused, over whose every movement they keep a most vigilant watch.

That large armchair in the centre of the platform and facing the president, which is raised one step from the floor, is for the witnesses. Those four ranges of enclosed benches which shut in the daïs are the reserved seats, and are separated from the main body of the court by that stout wooden partition, behind which all ingress is free, and there we shall presently see a crowded audience!

Hush! The bell rings, and the officers of the court enter. There is M. le President, with the black cloak, lined and edged with scarlet, a sash of the same colour about his

waist, and a high cap of black cloth. The Procureur-Impérial is also robed in black, edged with white fur, his waist being encircled by a blue sash, and he has two rows of broad silver lace upon his cap. Entering now is the counsel for the prisoner. He is quite young, and by no means conspicuous in his plain gown of black silk. Looks uncommonly like a student at one of our Universities.

The court is very crowded, and the interest displayed in the coming drama is intense, as those who are to play conspicuous parts, amidst the rustle of papers and a deal of by-play, settle themselves in their seats.

Then a second bell rings, and there is a murmur throughout the great apartment. The small door—that same door through which so many trembling criminals and others have passed to learn their doom—opens so quietly that it seems to fear to drown the very sound of the heart-throb of a woman who stands upon its threshold. She is accompanied by two gendarmes, and is the accused.

She is young and decidedly attractive—would be called beautiful had she been attired in any costume finer than that of the peasant. It is evident that she attracts the admiration of all, for, although her eyes are red and slightly puffed through incessant weeping, there is an expression in her pretty face that wins the hearts of the audience. With pale, luxuriant, golden hair and long, dark lashes, which shade her violet-blue eyes, with a figure, if somewhat redundant, perfect in its symmetry, all eyes are fixed upon the prisoner, whose breast is heaving and quivering with emotion.

Her custodians make a gesture, and she sinks into the seat, her head falls heavily upon her bosom, as the eyes of everybody present are bent upon her, and she covers her face with a handkerchief already wet with tears.

The picture is now complete. The stage is "set," and those who are to play the parts in this legal drama are ready to commence their performance before a deeply-interested, emotional, and most impressionable audience.

According to the report of the procès-verbal, which is equivalent to our preliminary examination of an accused before a police-court magistrate, who commits for trial, there existed little doubt as to the prisoner's guilt, although, fortunately, her intended victim still survived. It is difficult, however, to conceive that this handsome young woman, with such a pure and honest-looking expression, could be guilty of the crime of which she is accused.

There is a hush throughout the crowded court, interrupted only by the rustling of papers or the occasional heavy sob of the prisoner, and then the voice of the president breaks coldly and harshly upon the silence:

"Accused, stand up!"

Her face still being hidden by the friendly handkerchief, the judge continues, "Remove your hand from your face, hold up your head, and answer me."

The hand is reluctantly withdrawn, and the head is raised. "What is your name?" asks the president.

"Rosalie Marie Baptiste," replies the woman in a quivering voice.

"Your age?"

"Twenty-four years."

"Your calling?"

"Wife of Baptiste, a farmer. I assisted him in his farm."

And then comes a most extraordinary interruption from the Attorney-General—one that would stagger an Englishman who loved justice. "An able assistant," he remarks sarcastically, and the president replies with a nod and a smile.

"Are you aware of the crime of which you are accused?" demands the judge. The answer is a violent passion of tears.

"Sit down!" said the cold voice. "Greffier (registrar) read the accusation."

WAS WITH DIFFICULTY EXTINGUISHED BY THE VILLAGERS.

This formidable document, based on the procès-verbal, which has been drawn up by the mayor on the spot where the crime is supposed to have been committed, sets forth that Rosalie, having been hired as a general servant by the proprietor of a small farm, the joint property of an aged man and his sister, had engaged the affections of the farmer's son. The latter, finding that he could not induce the girl to return his passion by becoming his mistress, had ultimately married her, to the great annoyance of his family. The one most exasperated over the union was the aunt, part proprietor of the farm, who appeared to be wounded by what she considered as a degrading marriage into her family.

They had been married some five years, the accused having a child of four years of age, and was looking forward to the birth of a second. But the young couple were anything but happy, for discomfort and dissensions had already sprung up between them through the conduct of their relatives. The father of Baptiste had become reconciled to his daughter-in-law, but such was far from being the case with

his sister, who lost no opportunity of exciting the anger of her nephew against his wife. At length, according to the statements of several witnesses examined by the mayor at the preliminary examination, Rosalie became so much irritated by the ceaseless severity of which she was the object, and so indignant at the taunts uttered against her previous poverty, that she had been more than once heard to say that she wished the farm was burnt to the ground and her husband reduced to the common labourer.

One witness declared to the mayor of their village that he had heard Madame Baptiste declare that she would gladly fire it herself, in order to be delivered from the life of wretchedness to which she was condemned. This fact was sworn to, and proved to be weighty evidence against her at the early stage of the accusation.

It appeared that, according to the document which was being read by the registrar at the trial, one calm evening some months previously, between seven and eight o'clock, long after the farm servants had quitted the premises, a fire broke out in a barn adjacent to the dwelling-house occupied by the family, which, after consuming the outbuildings and several stacks of unthrashed grain and beans, was with difficulty extinguished by the villagers.

At once Madame Baptiste was pointed at as the guilty party, and brought before the mayor. Then the aunt, who declared that she could prove her nephew's wife to be the author of the catastrophe, went so far as to accuse her of having attempted the life of her husband a short time previously. This woman swore that Rosalie Marie had attempted to poison him by mixing a quantity of white powder in some soup which had been kept warm for his supper upon the ashes of the hearth, and that this had produced violent vomiting about half an hour after he had taken it. And upon these statements the woman was committed for trial, for which she had waited for several months, being kept in prison the whole time. To add to the misery of the situation, too, it transpired that her second child had been born to her in gaol, and that seemed to have caused a deal of delay in trying the case.

But to return to the action of the drama which is being enacted in the Palais de Justice of Amiens.

Madame Baptiste throughout the whole of the reading of the indictment had remained as still as a statue, with her hands clasped together and her flushed face and eager eyes turned steadily towards the registrar. No sooner had he ceased reading, however, than she started convulsively from her seat, and, turning towards the judge, exclaimed in a clear voice, "I am innocent, M. le President! I am innocent!"

"Silence!" thundered out that frowning official. And, then, as the wretched woman sank back, what followed made my blood boil, and I thanked God that the administration of justice in own own country was not like it.

The president, in a most theatrical manner, extended his arm towards her, and, with outstretched fingers, he directed the attention of the court to the quailing form of the accused. Amid a silence so deep that a pin could have been heard to drop, he uttered the following words:

"You see that woman, gentleman of the jury, who has just so vehemently declared her innocence. Now, I, in my turn, tell you that I entertain no doubt of her guilt, and that I moreover believe her to be guilty of anything."

Those were the words of the judge, the president of the court, the man who sat beneath the awful effigy of a crucified Christ, to whom had been entrusted the supreme duty of dealing out even-handed justice, alike to accused and society. Not awaiting the evidence of witnesses, whose revelations were to decide a question of life and death, he had volunteered this frightful assertion before any distinct proof of the guilt of the poor woman had been adduced. In such a dramatic manner had he done this that it was evident that the jury, mostly composed of small farmers and tradesmen, regarded this man with awe and reverence, for had he not, this stately personage, been sent specially from Paris expressly to preside over the tribunal of their remote province? Must not his opinion, expressed with such confidence, be considered infallible?

I could tell by the expression upon the countenances of those near to me that such was the feeling. The cruel words had not failed in their effect. They had been pronounced with such emphasis that impressed everybody who heard them and carried conviction with them.

It was in the midst of this sensation that had been produced that the first witness against the accused was called. It was her bitterest enemy, the aunt, who looked smiling and confident, evidently having immensely relished the speech that had been made by M. le President.

She had a splendid opportunity, and, if space would permit of the evidence being reprinted as it was given on that day, English minds could scarce believe it. Instead of rejecting all hearsay evidence, this woman, with a bitter hatred for the prisoner, was urged first by the president, then by the Attorney-General, to give in detail every report consequent upon the fire. She was urged and assisted to say what Monsieur So-and-So had said about the prisoner to Mdle. This-and-That, and even as to what they thought about the matter.

Never shall I forget the look of this woman's face as she cast looks of fiendish hatred at the poor woman in the dock as the bitter volubility of her vindictive utterances found vent, and seemingly pleased both judge and what we should call Counsel for the Treasury.

She was difficult to understand, this aunt, whose name, by the bye was Mdme. Roule, for she spoke in a most guttural patois, but she suited the action to the word, and one absolutely unacquainted with the language could easily

"I am innocent."

perceive that she was pouring forth a tide of venomous accusations, interspersed with village gossip and scandal, all of which tended to cast suspicion upon the prisoner. Indeed, to read her evidence, which was ultimately put into good French by the reporter and printed in the "Tribunaux," was enough to make an ordinary Englishman's hair stand on end.

Two leading facts were, however, elicited from her evidence, which, I was delighted to find, threw considerable doubt upon her statements. The farm at which the fire had taken place was the joint property of her brother and herself, and she had been careful to insure her own portion of the estate against the very calamity which had taken place. Not only that, but within twenty-four hours of the conflagration she had claimed the amount due to her, after having solemnly sworn that she believed the fire to have been purely accidental.

She also had to admit that she had not accused the prisoner of having set fire to the farm until after this money had been paid over to her. The cross-examination of Madame Baptiste's counsel, too, enabled him to prove that, subsequently to having done so, on being informed that, should her step-niece be found guilty of arson, she would be called upon to refund the money, she had done all she could to recall the accusation, and had attempted to persuade the neighbours that they had misunderstood her meaning. But it was too late. She had rung out the

alarum through the village, and her disclaimers were useless. All the inhabitants of the village had made up their minds that Rosalie Baptiste was the incendiary, and had, with a stubbornness which nearly drove the old aunt crazy, quoted her own declarations as evidence of the fact.

When fixed into this corner by her greed and haste, the heartless old woman, instead of acknowledging that there was no authority for the rumour she had spread, but that it had been instigated by her hatred and jealousy of her stepniece, passionately declared that if she was compelled to refund the money she would at least have the life of the prisoner as compensation for the loss.

Of course, counsel accused the wicked old woman of making this statement, and her denial was at first faint and sullen, but ultimately, when pressed she terminated with the following fiendish remark:

"If I ever did say such a thing, I am prepared to abide by it. I am convinced of the guilt of the prisoner, and I am confident that we should do better even if we lost the money, so that we were rid of that woman along with it!"

As these words passed her lips a low murmur filled the court, and I felt that this was the first time during the morning that the slightest feeling of sympathy had been forthcoming for the prisoner. The president ordered her to stand down.

I will not weary my readers with all the evidence that followed immediately upon the examination of this witness. There were some half-a-dozen called for the prosecution. They were mostly young men, peasants from the same hamlet in which the Baptistes had lived. To every one of them the question was put, "Are you a relative, a friend or a lover of the prisoner?"

Two sturdy young peasants answered most emphatically, even bitterly: "No, thank God!" But in both these instances counsel elicited that they were discarded suitors of Rosalie's, and had since the marriage caused through their jealousy frequent quarrels and misunderstandings between husband and wife.

Hours had passed, and in spite of every effort made by the prosecution, no absolute proof of guilt had been brought against the woman. The president at intervals asked her some leading questions well calculated to cause her to criminate herself, so abruptly were they put, and was informed that she had all but confessed her crime at the first examination. Agitated as she was, Rosalie retained sufficient self-possession to refute the assertion, stoutly declaring that she never could have accused herself of a crime of which she was innocent.

Then came a sensational and dramatic incident in the trial. The name of a witness was called for the defence, and on hearing it Madame Baptiste uttered a slight scream, which was succeeded by a violent fit of weeping.

There was a slight confusion at the extremity of the hall, a low murmur, and the dragging of heavy steps along the floor. Slowly approaching the witness chair came an infirm and aged man, supported by two subordinate officers of the court. As he was led forward he looked helplessly from side to side as if bewildered by the strange novelty of the scene. After having been assisted up the steps of the daïs, he dropped into the chair. The anxious yearning look of the prisoner towards the old man gave me little doubt as to who this feeble witness was. It was her father.

"Stand up!" said the usher. But the poor old fellow continued motionless.

"He can't hear!" shouted the harsh voice of the prisoner's aunt from the extremity of the court. "He's been deaf this many a year. You must shout in his ear."

The usher acted upon the suggestion, but the poor old man only shook his head and laughed. It was evident that, whatever was expected from him for the defence, it would be impossible to extract anything from him. Counsel for the prisoner looked at the helpless witness in blank astonishment. The scene is too painful to describe. Madame Baptiste, who was now nearly in hysterics, had not seen her father for many weeks, and did not know that the worry had turned him childish. She knew that he was to be called to prove that she was at his cottage on the night of the fire, but she was unprepared for this terrible ordeal.

"Does he know why he is here? Can he be made to understand the nature of an oath?" demanded the president. "This is trifling with the Court," he continued, "and cruel to the old man. Who is he?"

Madame Baptiste, who had, in her anxiety for her parent in such a position, somewhat recovered self-control, in a voice trembling with emotion, cried out, "My father!"

At the sound of his daughter's voice the old man's senses seemed to partially return, for his countenance lightened and he struggled to his feet and looked in the direction from which the voice came. Stretching out his hands, he called out, "My God!—Rosalie!" and, before anybody could get near to him, sank all of a heap into the chair. He was in a fit, and was immediately removed from the court, whilst his daughter's face turned as white as death.

The excitement of this incident had scarcely toned down, when somebody approached the president and whispered a few words. The latter, with an irritated gesture, impatiently replied, "Well, if it must be so, there is no remedy; but we are losing time."

The messenger made a sign, and he had no sooner done so than a woman appeared at the side-door leading to where the prisoner was. She carried an infant, and Madame Baptiste eagerly leant forward to receive it. The child sprang with a joyful cry of recognition into the embrace of its wretched mother, who for a moment strained it convulsively to her bosom. But when she endeavoured to give it the nourishment which it required, the infant flung itself violently back, terrified by the feverish contact with the breast, and could not be induced again to approach it.

The agony depicted upon the woman's face was heart-rending. Had she been proved the veriest criminal on earth, she was the object of intense pity at that moment. Her tears seemed to have been suddenly dried up. Rising from her seat, she gave the struggling infant back to the nurse. The one look she gave seemed to speak. It seemed to say, "My God! not one being in this world but what Thou hast turned from me—father, child, all! Oh, God, have mercy upon me!"

Courage! Courage! Faith and hope! Thou art not deserted. There are two in the very court chosen to adjust the balance of justice, so take courage, Rosalie Marie, take courage!

TO BE CONCLUDED.

Dealing, Not Leading.

SIR FREDERICK THESIGER was engaged in a case against a learned serjeant who often transgressed the rule as to putting leading questions to his witnesses. After having been objected to several times, the serjeant became annoyed by the interruptions, and told the judge that he was "entitled to deal with his own witnesses as he pleased."

"Yes, certainly," retorted Sir Frederick, "you may deal, but you shan't lead."

"Proving a Tender."

MR. GARROW, the eminent lawyer, was once examining an old spinster for the purpose of proving the tender of a certain sum of money which was supposed to have been duly made in settlement of an account, but he found some difficulty in making out his case. Mr. Jekyll, who was in court at the time, wrote the following epigram on a scrap of paper, and passed it over to him:

"Garrow, submit—that tough old jade
Will never prove a tender maid" (tender made).

A Two-Edged Sword.

MR. JUSTICE BYLES was summing up in a case of manslaughter at the Central Criminal Court, when his speech was respectfully interrupted by the gentleman defending the prisoner, who said, "My lord, you have omitted to mention so-and-so"—alluding to some point in his case which he thought the judge had not sufficiently clearly put to the jury.

"Have I, Mr. ——?" said the learned judge, with a bland smile. "Have I? Well, I will put it in if you like, but remember, it is a two-edged sword." Then, with much sweetness, "Shall I put it in, Mr. ——?"

"Oh, no, thank you, my lord!" said the discomfited barrister.

Black Ingratitude.

A DASTARDLY murder was committed some years ago in a certain town on the person of a woman who kept a public-house and who was a widow. Some time before the tragedy she had given food and shelter to a tramp who applied to her for relief, and this man so ingratiated himself with the good soul that she ultimately promoted him to the management of her business.

A year or two later she was found with her skull battered in and her money and everything of value had been taken from the house. Her late "manager" was suspected, arrested, and charged with the crime. The evidence was not quite strong enough to convict the ungrateful ruffian, and he was acquitted. That same night, after drinking heavily, he was heard to say by several persons, as he held out his right hand, "My counsel got me off, but this is the hand that did the deed."

A GHOST IN THE WITNESS BOX.

How the apparition of Sergeant Davies appeared after his death and revealed the names of his murderers and the spot where his body was buried.

"What may this mean
That thou, dead corse, again in complete steel,
Revisit'st thus the glimpses of the moon
Making night hideous?"

—SHAKESPEARE, "Hamlet," Act I., Sc. 4.

FOR some time after the Jacobite rising of 1745 had been suppressed by the crushing defeat of the Highland Clans at Culloden, the whole of the North of Scotland was in a disturbed state, and it was necessary to keep a large force of troops there in order to stamp out the last sparks of rebellion. Among the regiments to which this stern duty was entrusted was one commanded and, to a large extent, raised by Lieutenant-General Guise, which was generally known as Guise's Regiment. It was quartered in the wild and remote Highland district of Braemar, at the south-western corner of Aberdeenshire. The sympathies of the Highlanders of that portion of the country were warmly Jacobite, and the sight of the English soldiers was hateful to the great bulk of the population, who cherished fierce feelings of vengeance against the "butchers of Culloden." Time, however, to some degree modified these hostile sentiments, and the Highlanders became used to the presence of the redcoats, when they found them, after all, not to be such monsters of cruelty as they had at one time imagined, and out of whom, if civilly treated, they discovered there was money to be made.

Now, in Guise's regiment there was a certain Sergeant Arthur Davies, who was very popular among his comrades. He was superior in birth and education to the ordinary run of non-commissioned officers, and was, besides, remarkable for his great stature, his immense physical strength, and his handsome personal appearance. He had been very active in obtaining recruits for the regiment, and in consequence received a higher amount of pay and enjoyed a better position than others nominally of the same rank. A frank, manly, fearless English soldier, he had ingratiated himself even among the dour and sullen Highlanders, and was regarded by them with less animosity, probably, than any other soldier in the regiment. The sergeant was an enthusiastic sportsman, and so little did he fear any treachery on the part of the mountaineers that he frequently set out on shooting excursions over the wild moors alone or attended by a single gilly.

On the morning of the 28th of September, 1749, Sergeant Davies started off alone with his fowling-piece to shoot over a moor not very far distant from Braemar. When night fell he did not return to his quarters, and the whole of the next day passed without any tidings being heard of him. On the third day after his mysterious disappearance, a search party was sent out to scour the district for the missing sergeant, but they were unable to find the slightest trace of him. A week passed, a month, and still no sign of the lost sergeant of Guise's. By this time there was no doubt in the minds of any of his comrades that Davies had met with foul play, and the general himself swore that he would leave no stone unturned to discover the murderers of the best non-commissioned officer he had in his regiment. But neither threats nor rewards brought any clue to the sergeant's disappearance, and his fate remained wrapped in mystery, though there could be little doubt that more than one person must have been concerned in the murder, for it was not likely that any single Highlander would venture to attack so powerful and resolute a man as the sergeant, whose athletic prowess was well known over the district.

Five years passed, the mysterious disappearance of Sergeant Davies had never been accounted for, and even his comrades had ceased to speculate upon it. Nor would the problem probably have ever been solved but for one man who swore never to cease his inquiries and investigations until the murderers of Sergeant Davies were brought to justice. This man was James Small, formerly an ensign in the Earl of Loudoun's regiment, and now factor or steward of the estate of Strowan, which had been forfeited to the Crown through the attainder of its laird as a rebel.

Mr. James Small had known Sergeant Davies well; they had fought at Culloden together, and had subsequently met often whilst Guise's Regiment was quartered in Braemar. The new factor of Strowan was a determined and a somewhat consequential man. He thought it was a slur upon the Government which he served that it should be unable to discover and bring to justice the murderers of an officer of his Majesty's army, and he deemed it incumbent upon himself to remove that slur. With patient, dogged perseverance, and the keen instinct of a born detective, he set himself to the task of discovering the perpetrators of the crime, and at last he succeeded.

Bit by bit he joined together stray pieces of evidence until he had a case sufficiently strong to justify him in procuring the arrest of two Highlanders, Duncan Terig, alias Clerk, and Alexander Bain Macdonald. The fowling-piece belonging to the murdered man had been found in the house of one of them, and trinkets and valuables known to have been the property of Sergeant Davies had been seen in the

He came to his bedside.

possession of both men. But there was a still stronger and more damning proof of the guilt of these two persons, which among those who were superstitious, as most Highlanders were in those days, carried overwhelming weight, and it was the strange story attached to this which invested the case with extraordinary interest when it came on for trial before the High Court of Justiciary in Edinburgh.

The prisoners, Duncan Terig and Alexander Bain Macdonald, were arraigned before the Lords of Session at seven o'clock on the morning of June 11, 1754. Then there was made public the strange story of the manner in which the crime and its perpetrators had been discovered.

Alexander Macpherson, of Inverey, a farm-servant, aged twenty-six, deposed that one night in the summer of 1750, whilst in bed in a shealing (the long turf-thatched out-house in which Highland farm-servants slept, in beds ranged along the wall) several others being at the same time in the said shealing, there entered a man dressed in blue, whom he took to be the brother of a neighbour, Donald Farquharson, of Glendee, who came to his bedside and beckoned to him to come out. Macpherson rose and followed the figure outside the door, whereupon the person turned and said:

"I am Sergeant Davies."

Then, pointing to a moss or tract of swampy moorland, known as Christie's Hill, added, "You will find my bones there; go and bury them at once, for I can have no peace, nor will I give you any, until my bones are buried; and you may get Donald Farquharson to help you." Having spoken these words very solemnly and earnestly, the apparition vanished.

Early the next morning Macpherson went alone to the spot indicated by the wraith, and so exact had been the instructions given by the mysterious visitant, that before he had searched five minutes he came upon a human body embedded in the moss. Most of the flesh was gone, but the coat of blue cloth which had been worn by the dead man was pretty nearly entire. By using his staff as probe and lever, Macpherson drew out the body, and laid it on the upper soil, but did not attempt to bury it.

A few nights later the apparition again visited Macpherson when he was in bed in the shealing, and reproached him for not having carried out its instructions for burial, urging him at the same time to lose no time in committing the remains to the earth. Then Macpherson plucked up courage to ask, "Who murdered you?" to which the apparition replied clearly, "Duncan Clerk and Alexander Macdonald," then vanished as suddenly and abruptly as before.

On the following day Macpherson went to Donald Farquharson, told him the story, and persuaded him to come and assist to bury the body of the murdered man in dry ground. Farquharson, never doubting the truth of the story, went with Macpherson to Christie's Hill, carried the body away, dug a grave in dry ground, and there buried the remains. To all his own share in the business Farquharson swore positively, and emphatically expressed his belief that Macpherson had told him nothing but the truth. The only other person to whom Macpherson confided the story was John Grewar, of Dalhownie, who deposed that Macpherson,

FARQUHARSON BURIED THE BODY.

under strict promise of secrecy, told him, a few days after the apparition had appeared for the second time, how he, in obedience to its commands, had, with the assistance of Donald Farquharson, buried the body.

But there was still stronger corroboration of Macpherson's strange story in the evidence given by Isabel Machardie, of Inverey, aged forty, who deposed that on the night on which Macpherson declared that he saw the apparition for the second time, she, sleeping at the other end of the shealing, in the portion set apart for the women, most distinctly saw "something naked come in at the door and go straight to Macpherson's bed, which frighted her so much that she drew the clothes over her head; that when it appeared it came in a bowing posture, but she cannot tell what it was; that next morning she asked Macpherson what it was that had troubled them the night before, and that he answered she might be easy, for it would trouble them no more."

Now the counsel for the prisoners was one of the most eminent advocates in Scotland, Alexander Lockhart, who was making then by far the largest professional income ever up to that time known north of the Tweed—considerably upwards of a thousand pounds a year, which may be estimated as equiva-

lent to about three thousand a year in the present day. Lockhart was a notorious Jacobite, and had gained for himself much celebrity by defending the prisoners captured after the rising of '45. As in duty bound, he threw ridicule upon this story of the ghost, and he made his great point when in cross-examination of Macpherson, who could speak nothing but Gaelic, and whose evidence had to be interpreted to the court, he said to the witness, "What language did the ghost speak in?"

To which Macpherson promptly replied, "As good Gaelic as ever I heard in Lochaber."

"Pretty good for the ghost of an English sergeant," said Lockhart, and there was general laughter in court.

There was other evidence connecting the prisoners with the crime, the possession of the murdered man's fowling-piece and trinkets, and some suspicious circumstances which would have told heavily against the accused, had not Lockhart fairly laughed the case out of court by the ridicule he threw upon the story of the English ghost that spoke "as good Gaelic as ever was heard in Lochaber." He declared that the whole case was trumped up by Mr. James Small, who had carefully instructed the witnesses for the prosecution what to say, and had endeavoured to intimidate witnesses for the defence from giving evidence. In the end, after sitting continuously from seven o'clock on the morning of June 11, to six o'clock in the evening of June 12, the jury returned a verdict of "Not Guilty."

The next day, as Mr. Lockhart was proceeding across the Parliament Close to the Courts, he was assaulted by Mr. James Small, who endeavoured to provoke him to a duel. But Lockhart, who was a bully and a coward, appealed for protection to the Lords of Session, who had Small arrested and brought before them, but discharged him after he had made an ample apology and entered into sureties of £50 to keep the peace for a twelvemonth.

But though the ghost story was so successfully laughed out of court, its truth was not really disproved. And a careful examination of all the evidence adduced at the trial leads us to wonder that the jury should have allowed themselves to overlook the very remarkable character of Macpherson's evidence. Sir Walter Scott, in commenting on the case, suggested that as giving information was unpopular in the Highlands, and especially when the accused were Jacobites, Macpherson trumped up the ghost story, knowing well that his superstitious countrymen would pardon his communicating the commission entrusted to him by a being from the other world. But the facts, as set forth in the report of the trial, do not support that theory.

In the first place, Macpherson's story was corroborated by Isabel Machardie, who distinctly swore that she saw an apparition in the shealing exactly similar to that described by Macpherson as having appeared to him at the very same time and place. It was not shown that there was any collusion between the man and the woman; nor were their statements in any way shaken by cross-examination.

Then Donald Farquharson's evidence as to his assisting Macpherson to bury the body was not disputed, and the question arises how could Macpherson have known where the body was, or by whom the dead man had been murdered, unless he had himself been one of the murderers or had seen the deed done? Yet neither of these hypotheses was suggested, nor was any attempt made to show how Macpherson could have known who the murderer was, and where the body was concealed, otherwise than by the supernatural mode he described.

Then, again, Macpherson and Farquharson had clearly no malice against Terig and Macdonald, for three years elapsed without their saying a word to anyone about the discovery of the body, and they would probably never have divulged the secret but for the active interference of Mr. James Small.

Lastly, there was Lockhart's sneer about the ghost of an English sergeant speaking good Gaelic. But granting the apparition, what was there absurd in its speaking Gaelic? For aught we know to the contrary, in the spirit world all languages are alike familiar to its inhabitants, and, indeed, it would be preposterous to suppose that ghosts are confined to the tongue which they spoke when in the flesh. The thing that was extraordinary was the apparition, not the language in which it spoke. Lockhart would probably, whatever his own scepticism may have been, have hardly dared to deny, in that superstitious age and country, the possibility of one from the unseen world "revisiting the glimpses of the moon," and but for his smart and plausible ridicule of the Gaelic in the mouth of an English sergeant, he might have found it difficult to persuade even an Edinburgh jury that Macpherson was not telling the truth when he swore to the interview with the ghost of Sergeant Davies. That the man thoroughly believed that he had seen and talked with the spirit or wraith of the dead soldier we do not for a moment doubt. Whether he actually did see and hear what he thought he saw and heard, or whether there are such things as ghosts, these are questions which we leave to the Psychological Society to answer.

We would point out, however, one odd circumstance; that whereas in the former case of supernatural evidence which we gave not long since, the prisoner, John Walker, of Chester-le-Street, was hanged on the evidence of a ghost, which revealed the crime to a neighbour, in the present case the two prisoners were acquitted mainly because of the alleged ghostly revelation. The rest of the evidence against them was discredited, because of the ridicule thrown upon the witnesses, who swore that their information came through a ghost.

Yet, years afterwards, when both Duncan Terig and Alexander Macdonald had gone to join Sergeant Davies, their solicitor admitted that both he and Lockhart were firmly convinced of their guilt, and saw that their only chance of obtaining an acquittal was by throwing ridicule—as strong as it could be made—upon the story of the sergeant's ghost.

She Remembered It Well.

SERJEANT DAVY was nick-named "Bull Davy," on account of his gruff speech and manners. He was at one time a druggist, and had become bankrupt, but this was many years before he was called to the Bar, where he attained such eminence.

He was once on the Western Circuit, and had occasion to severely cross-examine an old woman on a circumstance that had happened some years before.

"And pray, good woman," said Davy, "how is it that you should be so particular as to remember that this affair happened on a market day?"

"Why, sir," answered the woman, "by a very remarkable token, that all the cry of the city went that Mr. Davy, the druggster, had that morning shut up shop and run away."

"I think, brother," remarked the judge drily, "that you want no further proof of the accuracy and reliability of the witness's memory."

He "Queered Old Full Bottom."

A WITNESS from the Dials once gave evidence before Lord Mansfield in the trial of a prisoner for assaulting a man in the vicinity of "The Seven." Being asked to relate exactly what he had seen of the occurrence, he commenced, "My lord, as I was coming by the corner of the street I stagged the man."

"What is 'stagging' a man?" asked the judge.

"Stagging, my lord; why, you see, I was down upon him."

"Well, but I don't understand being 'down upon him' any more than 'stagging him.'"

"Why, an 't please your lordship, I speak as well as I can. I was up, you see, to all he knew."

"To all he knew! I'm as much in the dark as ever."

"Well, then, my lord, I'll tell you how it was."

"Do so," said Lord Mansfield.

"Why, my lord, seeing as how he was a rum kid, I was one upon his tibby."

"That'll do," said the judge; "take him away." And the fellow was sent out of court as incapable of describing anything intelligibly. He was afterwards heard to say to one of his pals that he had gloriously "queered old Full Bottom."

"The Life was In Him."

DANIEL O'CONNELL was once engaged in a will case in Dublin, in which the plaintiff alleged that the testamentary document in question was a forgery. The witnesses to the will swore that it was signed by the deceased "while life was in him," a manner of expression derived from the Irish language, and which is still used by the Irish peasantry. The evidence was very strongly in favour of the validity and regularity of the will, but O'Connell was struck by the persistency of one witness in repeating the one form of expression, "The life was in him." He asked: "On the virtue of your oath, was he alive when he signed this will?"

"By the virtue of my oath," was the reply, "the life was in him."

"Now, I call upon you in the presence of your Maker, who will one day pass sentence on you for this evidence, I solemnly ask—and answer me at your peril—was there not a live fly in the dead man's mouth when his hand was placed on the will?"

The witness was staggered by this query; he turned pale, hesitated, and looked as if about to collapse, then faltered out: "Yes, sir; a fly was put into the dead man's mouth so that we could truthfully swear that 'the life was in him!'"

Verdict for the plaintiff.

TERRIBLE TRIPLE MURDER IN THE RUE MONTAIGNE, PARIS.

THE CRIME OF PRANZINI.

"Let us meet
And question this most bloody piece of work
To know it further."
—SHAKESPEARE, "Macbeth," Act II., Sc. 3.

SAINT PATRICK'S DAY dawned clear and bright in Paris in the year 1887, and the numberless good Catholic Irishmen who inhabit the Gay City rose and made their way piously to their churches, intending to open the day with prayer and praise which they purposed to close with rioting and debauchery. Parisians, who have a keen affection for "the disthressful counthry," also rose and joined in the numerous services which opened the national fête day of the Emerald Isle. Everything was joyous in Paris, for the middle of the doleful season of Lent was at hand, and the "Mi-Carême" festival was to take place on the morrow, when, for twenty-four hours, the rigours of the annual fast would be forgotten. But as the church-goers returned, satisfied with themselves, and feeling that they had really paid a great compliment to the Almighty, they were met with rumours of a horrible murder which had just been perpetrated—a murder so foul that even the light-hearted Frenchmen were astounded. Worse than this, the culprit had not been discovered, and there was the fear ever present in the minds of the timid, "That may be the man. My turn may come next."

What was this terrible crime which had cast a gloom over the whole of the most happy city on earth? It was the murder of three persons—of a mother and her child and of a second woman, foully done to death in a brutal fashion which defies description.

Briefly, what the people learnt on that 17th of March was this. The houses in the Rue Montaigne are occupied by many persons, much as the flats in the better part of London are, or the tenement houses in the poorer quarters. They have separate "front doors" on every landing, and the whole of each building is looked after by a "concierge," or, as we should say, a caretaker.

In one of these flats, or tenements, for both really are the same, lived a Madame Montille, who was also known as Madame Regnauld. She was not quite as good as she should have been, and at times the neighbours looked askance at her, saying that she was given to evil habits, but Paris is very charitable, and when the word of opprobrium has gone forth, it is forgotten, the speaker reflecting that possibly she might do the same herself. Anyhow, whether it was true or not, it was said that Madame Regnauld, under that name, followed the ancient profession of Rahab, and, under the title of Madame Montille, was a highly respectable person.

She had to attend on her, and to open the door, a servant, and this woman was allowed to have her little girl to live with her, so that she should be under her mother's care and should be company for her in the kitchen.

About ten o'clock the other occupiers of the dwelling heard a slight noise proceeding from the rooms occupied by Madame Montille, and the concierge went up to see what was the matter. It was also remarked to him that at six o'clock a similar noise, something like a little scuffle, had been heard. The caretaker knocked at the door, but no one replied, so he returned to the basement. Shortly afterwards he was again told that madame had not gone out, and that no one could make her hear or could obtain any answer from the servant. Alarmed, he at once went up again and banged loudly at the front door, but without getting any response. Then he went off for the nearest policeman, who, armed with his sword, came to investigate the matter. It was declared that madame had not left the building, and that neither the servant nor the child had been heard, so he burst open the door.

A fearful sight was disclosed to him and to the inquisitive friends who had pressed forward hoping to get a little excitement out of the incident. They had their fill of excitement!

On the floor of the passage, near the door leading into the servant's bedroom lay the body of a woman. She was stabbed to the heart, and most brutally mutilated. When the features were made out through the mask of clotted blood which hid them, it was seen that the poor creature had once been the servant. Entering the bedroom the dead body of the little girl was found on the bed, her tiny hands still clasped, as if her last seconds were spent in beseeching the murderer not to hurt her. She, too, had been mutilated, but not as foully as her mother.

Who has done this? was the involuntary cry. It must be madame! So all went to the room where respectable Mme. Montille, and doubtful Mme. Regnauld, dwelt, and they got their answer. She lay on the bed dead, treated in exactly the same way as the servant had been. It was obvious that she had been dead the longest, and that her death was the one originally intended.

A further examination of her room showed that an attempt had been made to force open a safe which stood in her bedroom, and which contained jewels to the value of 200,000 francs, or about £8,000 sterling. Several articles had also been stolen from the pockets of the dead woman, and from the dressing table in the room.

The theory of the police at this time was that the murderer had entered the apartment on the previous evening about midnight, possibly to see Mme. Regnauld, had risen shortly before six, and then had killed the lady. The slight noise which the neighbours had heard had disturbed the servant, who came to her mistress's assistance. She was followed to her room by the miscreant, who slew her suddenly,

and mutilated her afterwards. The child was awakened by this, too, and, for safety's sake, was also killed. Then the murderer had made his attempt to rifle the safe, had put what he could into his pockets, and departed, possibly shortly after ten in the morning, after the concierge had gone downstairs after trying the door.

The detectives were called in at once, and all that they could find which in any way bore on the presence of any other person in the room besides madame was a belt and a single cuff, both bearing the name of Gaston Geissler. With this to work on the police strained all their energies to find Geissler, and eventually he was arrested at Lille on suspicion.

In the ordinary course of events he was brought back to Paris, and was there charged with murdering Mme. Montille, and when he denied that he was in Paris on that night, he was shown the belt which he was supposed to have left at the house of his victim

He looked at the article for a few moments, and then said that it was not his handwriting at all, and that the belt was never his, but he thought that he knew whose the writ-

Burst out crying.

ing was, and mentioned a foreigner with whom he had been connected some little time previously. The belt had once been his, but had been lost.

More light was thrown on the subject by the discovery in the room of the murdered woman of a novel which described a murder committed in the same manner as the one which the police were then investigating. This novel was the property of a man named Pranzini, an Italian by nationality.

Search was therefore made for this individual, and at last he was found stopping at Marseilles. Immediately he was arrested on suspicion, a convenient method of detaining suspected persons which is very popular across the Channel. He was brought back to Paris, and kept in custody while inquiries were made with a view to incriminating him.

His whole history was hunted up. The place of his birth was uncertain, but it was affirmed that either he was born in Alexandria, or that he was born in Leghorn and taken by his father to Alexandria when he was very young indeed. He was educated at the Christian College in the Egyptian seaport, and made several travels into the interior of Egypt. His aptitude for learning languages was remarkable. When quite a youngster he was able to speak Arabic, both in the Yemen style and in the dialect which obtains in the north-east of Africa, with wonderful fluency.

Later he travelled to Turkey, where he acquired a good knowledge of Turkish and kindred Semitic and Oriental languages. Thence he journeyed into Austria, where he studied German, and into Hungary, in which kingdom he mastered Magyar, and several of the more peculiar of the Czech dialects. Not content with this, he visited France and learnt French, which he spoke with great fluency, and later crossed the Channel to England, and became acquainted with our own tongue.

With all this study, he still remained what he had always been, a keen lover of money and finery. One would have thought that his philosophic studies would have driven this out of him, but they did not. In several countries he acted as interpreter to the courts, and then his ambition took a wider flight, and when the war in the Soudan broke out he applied for, and was granted, a position as interpreter to the British forces. With them he remained until the death of General Gordon, after which he left Egypt and returned to Italy, but he soon tired of his native land, and went to Paris.

All this took some little time to find out, and while it was being done, the Parisian police were making urgent inquiries for certain articles of jewellery which the deceased Mme. Montille was said to have possessed, and which were not to be found among her effects.

At last they received a note from a woman in Marseilles which informed them that the writer had in her possession a watch and several jewels which had been given to her by the suspect, Pranzini. These were sent up to Paris, and were shown to the accused, who promptly declared that he had never seen them before in his life. However, the Marseillaise lady was positive that she had received them from the prisoner, and they were identified as having belonged to the late Mme. Regnauld. A watchmaker who lived in the same set of flats swore positively that the watch was the property of the deceased, and produced his books in evidence of the fact that he had once repaired the article, and noted the number on it.

Then came the question of the jewels. Those in the flats in which Mme. Montille lived said that it was common report that she possessed a great quantity of valuable gems, but she had very rarely worn them; still they were able to identify the few which had been recovered from Marseilles.

All this time poor Geissler was in custody, and accused of being a confederate in the murder of Mme. Regnauld, and, indeed, the general impression was that he had assisted, and possibly benefited by, the dastardly deed. People, however, changed their opinions after the Marseilles recognition, and Geissler was looked upon as one whom the wily Pranzini had victimised in order to save himself. It was proved that Geissler knew Pranzini perfectly well, but it was not till the trial that the full facts of their knowledge of each other were made public.

Before the examining magistrate, M. Guillot, Pranzini swore that he had left Paris on a pleasure trip, and that the particular night on which the murder had been committed he had passed with Madame Sebatier, who was his mistress. The lady was called, and confirmed this statement, but a few days later, struck with remorse, she wrote to M. Guillot and told him that she had perjured herself when before him, and that Pranzini had not been in her rooms on that evening.

Under these circumstances, the magistrate saw fit to order both Pranzini and Mme. Sebatier to appear before him, and asked the lady, in the presence of the prisoner, to repeat the substance of the letter which she had written to him. This she did, affirming that Pranzini had not been in her house at all on the night on which the murder was committed.

Only by the strongest effort of will did the Italian prevent himself from fainting when he learnt that the very witness on whom he was relying to save him from the guillotine had preferred to speak the truth rather than permit a murderer to escape. With a faltering voice he asked, "Was I not with you in your rooms on that night?"—"Never!" was the reply.

"You are wrong. I came to your house about midnight, but, finding you were asleep, I would not wake you, so I threw myself on the sofa and slept there all night." On this Mme. Sebatier broke in, saying, "I know very well what happened on that night. You were not in my house all that night." Hearing this, Pranzini was much disturbed, and refrained from making any further statement, but Mme. Sebatier, having once broken the ice, was not to be denied. She continued, and said that on the day of Mi-Carême, the day after the murder, she spent the day with the accused man, and after they had had dinner they went to a circus together. When they returned to her house the prisoner sat down on the sofa and burst out crying. She asked him what he was unhappy about, and he said that on the previous day he had met a Madame de Montille, whom he had previously known in society, and he feared that she was not living a moral life.

He had gone home with her to have tea, and while they were at the meal someone else came in, so that Mme. de Montille asked him to hide in a cupboard, which he did till he heard the stranger leave.

When he heard that the coast was clear, he was surprised not to be asked to come out of his retreat by madame, so he crept out of his own accord, and found three dead bodies—Madame de Montille, another woman, and a young girl. He rushed out of the house, and wandered about the street all the night. He further added that he was afraid to remain in Paris, because he had accidentally left his card in the lady's room, and was sure that the police would suspect him. Therefore he did not dare to go home, but begged that Mme. Sebatier would lend him sufficient money to get away for a short time till the unfortunate affair was cleared up.

The kind-hearted courtesan did so, even though she had to pledge some of her jewellery to provide the necessary funds. She then took him to the railway station and saw him off for Marseilles. But for the mention of "the other woman at Marseilles," it is extremely probable that Madame Sebatier would never have given evidence against Pranzini.

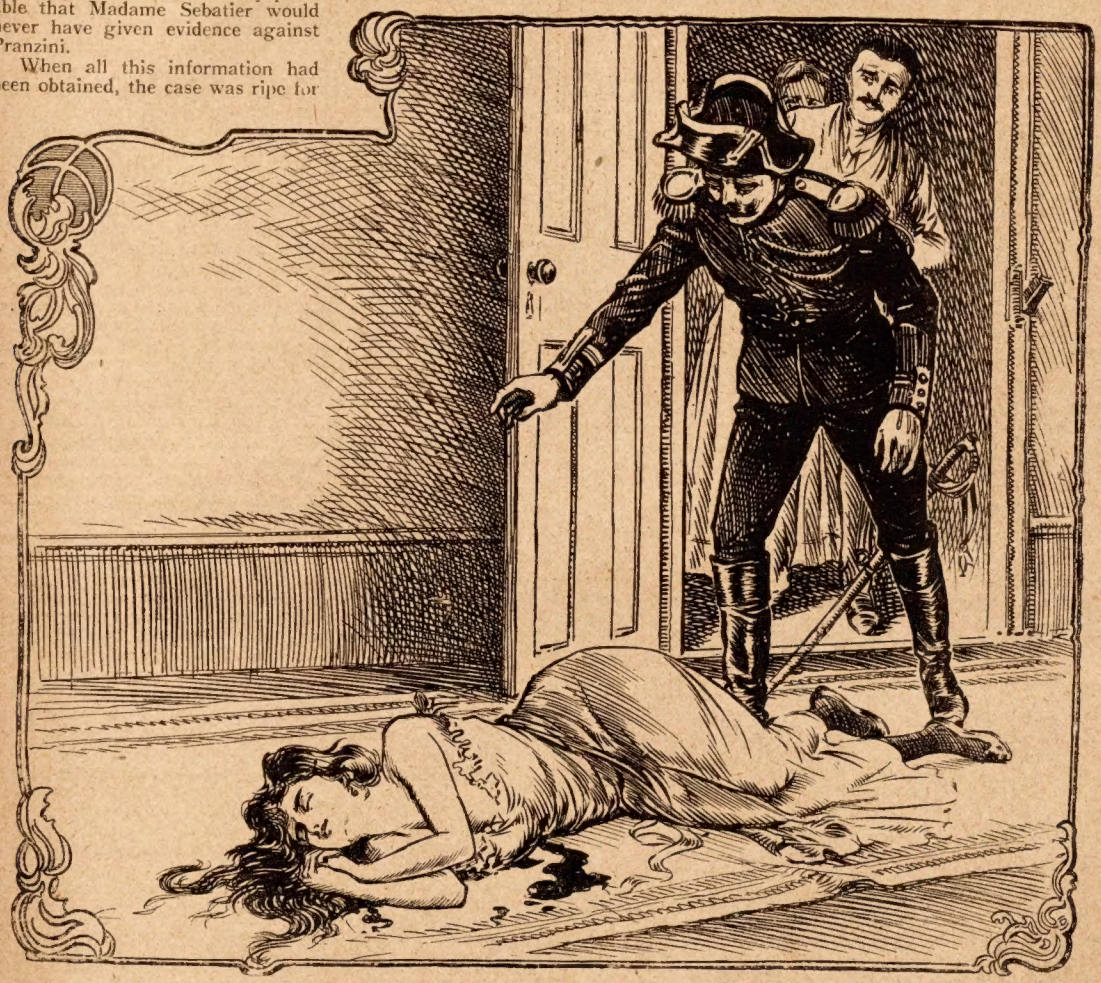
When all this information had been obtained, the case was ripe for trial, and it was brought before the assizes on the 9th of July, 1887. The whole of the particulars which we have detailed were repeated, but there was a dramatic moment when Pranzini was confronted with Geissler, the man whom he had striven to implicate. Up to that moment he had no notion that Geissler had been arrested, or that the belt and cuff had been found in the room, rather fancying that they had been overlooked.

As the name of Geissler was called by the "huissier" of the court, Pranzini gave a shudder, and he turned pale when he saw him enter the witness-box. Asked if he knew the witness, the prisoner declared that he did not, but when Geissler mentioned one or two places where they had been together, he said that on second thoughts he did have some recollection of his face.

But Geissler had more than a faint recollection of the accused. He told how he had been secretary of an hotel in Naples where Pranzini was employed, and how the latter had been dismissed for dishonesty. He had had ample opportunity of obtaining a belt like those which the witness wore, and the cuff found was undoubtedly one of those missed from the hotel.

Even up to now the evidence against Pranzini was rather speculative. He had certainly been in possession of the articles of jewellery recovered from Marseilles. He had been in a position to place the belt and cuff in the room. The novel found there was his. But he still saw a loophole out of the net which had been woven round him. There was nothing to actually connect him with the crime. He might have been in the room, he might have possessed the stolen jewellery, but there was nothing to show that he was in any way implicated in the murder. At least so he thought.

The French police love a little dramatic effect, so they had waited till the very last moment before they produced one of the most damning pieces of evidence against the accused man.



SO HE BURST OPEN THE DOOR.

Searching his rooms and his property, they had found a garment stained with human blood, and they were able to prove that on the day prior to the discovery of the murder the prisoner had been seen wearing that very article of clothing; moreover, he was not wearing it when he called on Mme. Sebatier on the following day.

The production of this evidence caused Pranzini to collapse. He was bound to realise that the case had gone against him, and that his guilt was established. So at least thought the jury who heard the case, for on the 13th of July they returned a verdict of "Guilty" against the prisoner at the bar, and the judge ordered that he be taken thence to a place of safe custody, and then to the prison of La Roquette, whence he was to be taken to the place of public execution

and put to death on the guillotine, by means of his head being "stricken from his body."

Pranzini was taken to the La Roquette gaol, and there cast into the condemned cell which had been occupied by so many before him. He had hopes that his life would be spared on account of his education, but in that he was disappointed, for he was told that it was the fashion to punish the educated more severely than the illiterate. Then he conceived the idea of applying to the Indian Consul to ask him to interfere, but again he was told that any Italian who committed a crime had to answer for it to the laws of the country where he had committed it. As a last hope Pranzini's lawyers applied to Great Britain, imploring that our Foreign Office would intercede for the man who had interpreted for them in Egypt at the time of the first Nile campaign. The request was forwarded to the French Ambassador for report, and his report was such as to render it absolutely impossible for any civilised Power to ask for a remission of the sentence.

So, early one morning in the last week of August, a tumbril rolled into the Place de la Roquette, and out of it were taken various pieces of wood. Skilled assistants soon framed these into the fashion of the dreaded guillotine. A little later an elderly gentleman, in faultless black, wearing a tall hat, came, attended by two others, and inspected the terrible engine, and retired. He was "M. de Paris," as the French call the executioner.

It is wonderful how rapidly the news that "the guillotine is out" gets round Paris, even in the small hours of the morning, and a large crowd had collected to see someone—at that time they did not know whom—put to death.

Presently the prison doors opened, and in a moment or two there was standing at the foot of the plank which was to be his last resting-place in this life, a pale, ascetic-looking man. Great beads of perspiration stood on his forehead, and his limbs, in spite of temporary strength given by the draught of brandy administered in his cell, shook. It was Pranzini, the hideous murderer.

With hurried movements the straps were passed round him, the plank slid into its place, and all was ready for the last act of the grim tragedy. Our friend of the black coat and tall hat touched a handle, there was a gleam as the heavy knife crashed down its path, and a rasping crunch as it sheared through flesh and bone. Pranzini was dead. In the basket, amid the sawdust, lay his head.

Deftly the assistant executioners fastened a cord round the severed neck to prevent the blood running when the pressure from the heavy back of the blade on the wooden collar was removed, and then they rolled the corpse into its temporary coffin, placing the head at the foot, to be taken to Père la Chaise for interment, there to be exhumed after a hurried service, and carried to the dissecting rooms.

Thus ended Pranzini. The only pity is that humanity prevents us from visiting cruel miscreants such as he with more dreadful punishments. The feeling of revenge is sometimes sweet!

The JUDGE and JURY

PART V.

HEARSAY IS NOT EVIDENCE—OPINION IS NOT EVIDENCE.

"HEARSAY" primarily means what a witness has heard another person say with respect to facts in dispute; but the term is extended to all statements, written or otherwise, produced, not by the authors of the statements, but by persons to whose knowledge the statements have been brought. Such statements are excluded, first, because they are not made on oath; secondly, because the person affected by the statement has no power to cross-examine the author. Lord Justice James, in Polini v. Gray, said, "Hearsay evidence, as a general rule, is not admissible, and it is not admissible because one knows to what extent people will be and are disposed to speak untruly, even without any motive whatever; and one knows what little importance can be attached to any rumour or anything stated as mere hearsay." Virgil had something to say on the subject of "Rumor," while a poet quoted in the New Testament has a hexameter to the effect that "Cretans are always liars, evil beasts, slow bellies." In France, Gascons held the palm for braggadocio, Tartin de Tarascon, for example, while men of Marseilles are the Cretans of the present day—i.e., they are accused of being such.

No statements with reference to a person charged with an offence, relative to the charge, made in his absence, can be received in evidence against him. There are four exceptions: First, the admissibility of so-called "dying declarations"; secondly the admissibility of statements forming part of what is known as "res gestæ"—that is to say, of the facts, or set of facts, or transaction forming the subject of judicial inquiry; thirdly, the admissibility of statements made by a deceased person against his pecuniary or proprietary interest; and, fourthly, the admissibility of statements made by a deceased person in the strict course of his business.

Statements made in the presence of the prisoner may be admitted, but if A says that he heard B say in the presence of the prisoner, "The prisoner stole my watch," that is not evidence that B's statement is true, though A can give evidence as to how the prisoner behaved when that charge was preferred against him.

Mr. Justice Byles said, "Dying declarations ought to be admitted with scrupulous, I had almost said with superstitious care. They have not necessarily the sanction of an oath; they are made in the absence of the prisoner; the person making them is not subject to cross-examination, and is in no peril of prosecution for perjury. There is also great danger of omissions and of misrepresentations, both by the declarant and the witness. To make a dying declaration admissible, there must be an expectation of impending and almost immediate death from the causes then operating. The authorities show that there must be no hope whatever."

Two examples:—

(a) At the time of making the statement, the deceased had no hope of recovery, though the doctor had, and the deceased continued alive for ten days after making the statement. The statement was admitted as evidence.

(b) The deceased at the time of making the statement (which was written down), said something which was taken down thus, "I make the above statement with the fear of death before me, and with no hope of recovery." On the statement being read over, she corrected this to "with no hope at present of my recovery." She died thirteen hours afterwards. The statement was not admitted as evidence.

We next come to the second of the exceptions referred to. Where a statement is part of the transaction constituting the offence, then, whether it is or is not made in the presence of the prisoner, it is admissible as evidence against him. Words uttered during the continuance of the main action, whether by the active or by the passive party, though they cannot amount to acts for which the accused can be held responsible, yet may so qualify or explain the acts which they accompany that they become essential for the due appreciation of them. Even where the accused is no longer present, if the words are the immediate and natural effect and consequence of continuing action on his part, though uttered out of his hearing, they may well be considered as part of the transaction. An extreme case: A cabdriver knocked a man down, but drove off. A third party did not see the occurrence, but arrived on the spot very soon afterwards, and took the victim's statement (the man died from his injuries). The statement was received as evidence, but there were comments by the bar on the subject.

In trials for rape it is admissible to hear evidence that the woman made a complaint immediately after the outrage, thus showing that the woman was not likely to have been a consenting party. And evidence may be given of a man's statements as to how he fell at a particular time (thus proving his state of health at the time of his words). Cook, who was poisoned by Palmer at Rugeley, had made statements as to his symptoms. Those statements were received in evidence.

If a man makes a declaration, written or oral, against his pecuniary or proprietary interest, and dies before a trial, that statement, and the whole statement of which it may only form part, may be received as evidence.

An example of the fourth exception to the rule against the admissibility of hearsay evidence. On a trial for murder it appeared that the deceased, a policeman, had made shortly before his death a verbal statement to the sergeant that he was going (as a matter of duty) to watch the prisoner. That statement was received as evidence. But had it been made to a bricklayer engaged on the police-station, and not to anybody whose duty it was to hear it, the statement would not have been received as evidence.

"Hearsay" is none the less "hearsay" because it has been reduced to writing. But many documents have been made subject of evidence both by the general law and by statutory provisions.

"Opinion is not evidence." The chief exception relates to the evidence of "experts," that is to say of persons specially skilled in any science or art. In a poisoning case a doctor may give evidence whether, in his opinion, a particular poison produces particular symptoms. Where lunacy is pleaded as a defence, an expert may state whether, in his opinion, the symptoms exhibited by the alleged lunatic are those which as a rule indicate unsoundness of mind, and whether such unsoundness of mind usually renders people incapable of knowing the nature of their acts, or of knowing that what they do is either wrong or contrary to law.

Handwriting experts have been provided for in "28 and 29 Victoria, c. 16, s. 8." It must not be forgotten that writing for special purposes is not unlikely to be disguised. A witness may be required to read writing or to write in the presence of the Court. We remember the "Piggott" case, though we do not draw conclusions as rapidly as some officers did in "L'Affaire Dreyfus."

It has been decided that a witness who falsely swears that he "thinks" or "believes" may be convicted of perjury equally with the man who swears positively to that which he knows to be untrue.

A witness may not read his evidence or refer to notes of evidence given by him, but he may while under examination refresh his memory by referring to any writing made by himself at the time of the transaction concerning which he is questioned, or so soon afterwards that the Court consider it likely that the transaction was at that time fresh in his memory. The witness may also refer to any such writing made by any other person if he himself read it at the time aforesaid, and then knew that it was true. Any such writing must be produced for the adverse party, who can cross-examine on it.

But a witness who refreshes his memory by reference to a writing must always swear positively as to the fact, or that he has a thorough recollection that the fact was truly recorded at the time it was written down. If he refers to a memorandum not made by himself, and can neither recollect the fact nor recall his conviction as to the truth of the record when the facts were fresh in his memory, and so can only say that he finds the fact stated in an original entry, his testimony is not "evidence." It is only "hearsay," and, as such, objectionable.

Opening of Post Office Letters.

ALTHOUGH the servants of the Post Office and third parties are punishable for opening or tampering with letters while in the custory of the Post Office, an exception has always been maintained. This exception is that any letter may be opened, detained, or delayed, when so directed or authorised by an express warrant in writing under the hand of the Secretary of State. From the earliest times Government has exercised its discretion in this matter, and retained in its hands the power of opening any private letter at any time. A hundred years ago it was a very common complaint of leading statesmen that their political opponents made a practice of opening their letters when they had the power. And however arbitrary this may seem, it has been deemed safer, on full investigation, to leave an uncontrolled discretion, as is done in many other instances, confided to an official not likely to abuse it, rather than abandon what on some great emergency may prove a slight assistance in thwarting seditious or illegal machinations.

MOUSTACHE.

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DAINTY NOVELS

ONE PENNY WEEKLY.

Leaves from Our Notebook.

The Law's Protection.

A PROCESS-SERVER, named Canty, who was noted for his ingenuity in serving legal documents, was once for a long time baffled by a debtor, who was a magistrate. It was some time before Canty found this out, but, having done so, he lost no time in causing his own arrest for cutting sticks in the wood, whereupon he was taken before his worship for summary treatment. He was duly sentenced to prison, and, immediately he heard his sentence, Canty served the writ on the gentleman, then turned to the constable, and said cheerfully, "I'm under the law's protection, and you, as its representative, are bound to protect me." Whereon he was marched off safe and sound.

A Dream Prevents Murder.

IN the early part of last century a gentleman of high social position and whose reputation was such as to stamp with veracity whatever he might assert, dreamt that he went down into his kitchen in the middle of the night and found his cook sitting there alone, dressed in white, but with a large spot of blood on her bosom.

The dream awoke him, but immediately after he fell asleep, and again dreamt the same dream; he a second time awoke, and, though not superstitiously inclined, was so deeply impressed that he felt impelled to go down and satisfy himself by ocular demonstration that there was no cause for uneasiness. He accordingly proceeded to the kitchen, but what was his horror, on softly opening the door, to see the cook seated by the fire and in just such a dress as his sleeping vision had portrayed! He demanded sternly what could be her business there at such an hour. The woman appeared much agitated at this discovery, trembled, and faltered; but, on her master's renewing his question in an authoritative tone, she acknowledged that she and the gardener had been long attached, and that he had promised to meet her at that early hour in order to accompany her to a village some miles distant to be married.

The circumstances were so odd, more especially as connected with the dream, that the gentleman felt convinced all could not be right; and, having first locked up the cook safely in the kitchen, he proceeded to a little detached building, in which the gardener slept, but not finding him there he went on to the garden, where he found him digging a pit.

He started and turned dreadfully pale at the sight of his master, who asked him how long he had been in the habit of rising at so early an hour, and for what he was digging the pit? He replied that he was preparing a melon-bed; but his looks and voice confirmed the dreadful suspicion of the dark purpose for which it was destined, and in the most solemn manner his master charged him with intended murder. Thrown off his guard by the suddenness of this visit and the unexpectedness of the accusation, he fell down on his knees, and, earnestly begging for pardon, acknowledged that he had powerful reasons for wishing the cook entirely out of the way, and that he had really prepared the pit for her reception!

Answers to Correspondents

The Editor will be pleased to answer any suitable questions.

AXE.—You are right, a man was beheaded in Sweden in 1901, for running amok on a steamboat.

U. S. A.—Yes; in the state of Utah, the condemned has the choice of being hanged or shot.

H. V. B.—What was known as the "Neck Verse" was Psalm 51, verse 5, ability to read which gave the criminal the "benefit of clergy."

FUGITIVE.—Capital punishment, although nominally abolished in Russia, is still inflicted for various crimes, notably for breaking the quarantine laws.

VICTOR P. C.—Nothing is known about Eugene Aram beyond what we have printed; but Lord Lytton made him the "hero" of a novel; an edition of which—costing about 2s.—you can order through any bookseller.

WEARY WOMEN

SHOULD READ THE FOLLOWING CURE OF

BILIOUSNESS AND LIVER COMPLAINT.

"I AM now in my 39th year, and from the age of 29 until Bile Beans cured me I was never free from pain through liver complaint and biliousness," said Mrs. Emily Harryman, residing at Kippington Church Institute, Tubb's Hill, Sevenoaks, Kent, to a "Gravesend and Northfleet Standard Reporter." "I can scarcely remember rising in a morning any time during those years without my head throbbing unmercifully, and a feeling of sickness that prevented me from moving about or engaging in any work until I had been up some time. Often enough I was unable to rise at all. When the attacks were most severe I had to stay in bed three or four days at a stretch. As the sickness increased, while these long attacks lasted, so the pains in my head became more severe. Eating was out of the question while the attacks lasted, and during the little time I was easier between attacks of the sickness I had no wholesome appetite, and was afraid to eat, I was so sure of being seized with vomiting afterwards.

"I had the doctor in several times, and tried all sorts of medicines, but still I suffered, and I came to regard my illness as part of my existence, never to leave me. Still I was always wishing for health, and, after reading in the newspapers accounts of the wonderful cures Bile Beans had wrought in cases similar to mine, I made up my mind to see if they could do me any good. Soon after commencing the course the sickness began to wear off, and the headaches became rarer. I continued taking Bile Beans, and became better and better until I was as I am now, as free from biliousness as any woman can be. I have a good appetite, better colour, more enjoyment in life, and am thoroughly cured. Bile Beans have done wonders for me, and you are at liberty to let everybody know it. I trust some other poor sufferers will take a lesson from my experiences."

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BILE BEANS FOR BILIOUSNESS are the finest family medicine, and promptly and permanently cure Headache, Constipation, Piles, Liver Troubles, Bad Breath, Indigestion, Flatulence, Loss of Appetite, Dizziness, Buzzing in the Head, Sleeplessness, Debility, Colds, Liver Chill, Influenza, Anæmia, and all Female Ailments. *Of all Medicine Vendors 7/1½ & 2/9 per box (2/9 contains three times 7/1½ size.)*

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